MARINA MACAULAY

MARINA MACAULAY

Gal 5. B. 6

THE HISTORY OF ENGLAND FROM THE ACCESSION OF IAMES I TO THE ELEVATION OF THE HOUSE OF HANOVER.

BY CATHARINE MACAULAY.

EDIT. III. VOL. I.

BRITANNICUM

LONDON PRINTED FOR
EDWARD AND CHARLES DILLY
IN THE POULTRY.
MDCCLXIX.

24

FH
MVSEVM
BRITANNICVM

CONTENTS.

INTRODUCTION. v

JAMES I.

CHAP. I.

Acceſſion of James.——Treaty with France.——Conſpiracy againſt the King.——Conference at Hampton-Court.——A Parliament.——Treaty of Peace with Spain. page 1

CHAP. II.

Gun powder plot.——Puniſhment of the conſpirators.——Parliament.——Report of the King's death.——Subſidies granted by parliament.——The Spaniards contemn James. 23

CHAP. III.

Parliament.——Prorogation.——Affairs of Holland. Re-meeting of parliament.——Death of the king of France.——Prorogation and diſſolution of the parliament.——Affairs of Scotland. 38

CHAP. IV.

Riſe of Somerſet.——Death of prince Henry.——Marriage of the princeſs Elizabeth.——Origin of baronets.——Parliament.——Diſſolution of the parliament.——Overbury's murder.——Riſe of George Villiers——Fall of Somerſet. 66

CHAP. V.

Coke's oppoſition.——He is deprived of his office.——Cautionary towns delivered.——Affairs of Scotland.——Ireland.——Holland.——Sir W. Raleigh's expedition.—His fatal end.—His character. 94

CHAP. VI.

Negotiations with Spain.—Commotions in Germany.—Prince Palatine elected king of Bohemia.—Bohemia invaded.—Ruin of the Palatinate.—Parliament.—Fall of Bacon.—Proteſtation of the Commons.—Diſſolution of the Parliament. 132

CHAP. VII.

Diſtreſſed ſtate of the Proteſtants.——Unjuſt treatment of Sir Edw. Coke.——Impriſonment of ſeveral

ral members of parliament, and others.——Transfer of the electoral dignity from prince Frederic to the duke of Bavaria.—— Negotiations with Spain.——Prince of Wales's journey to Madrid.——Tranſactions during the prince's ſtay at Madrid.——His return to England. 176

CHAP. VIII.

Influence of Buckingham.——Parliament.——Treaties with Spain laid before the houſe.——Rupture with Spain.——Parliament prorogued.——Marriage-treaty with France.——Manſfeild's expedition.——Maſſacre at Amboyna.——Death of King James.——His character. 220

CHAP. IX.

State of the civil and eccleſiaſtical government of England at the acceſſion of the Stewart family.——Cauſes of the change of government which took place during the adminiſtration of the Stewart family.——State of trade——State of the finances during the reign of King James. 259

CHARLES I.

CHAP. I.

Acceſſion of Charles.——His marriage.——A parliament at Weſtminſter.——Second ſeſſion of parliament at Oxford.——Naval expedition againſt Spain.——Third ſeſſion of parliament.——Impeachment of Buckingham.——Diſſolution of the parliament. 269

CHAP. II.

Violent meaſures of the court.——A loan exacted.—Commitment of many who refuſed.—Trial concerning the King's power of commitment.—War with France.—Expedition to the Iſle of Rhee.—Diſtreſſed ſtate of the Rochellers.—Third parliament.—The judges queſtioned by the houſe of Lords.—Petition of Right.—Prorogation of the parliament. 334

INTRODUCTION.

THOUGH the rectitude of my intention has hitherto been, and, I truſt in God, ever will be, my ſupport, in the laborious taſk of delineating the political hiſtory of this country, yet I think it incumbent on me to give the public my reaſons for undertaking a ſubject which has been already treated by ſeveral ingenious and learned men. From my early youth I have read with delight thoſe hiſtories which exhibit Liberty in its moſt exalted ſtate, the annals of the Roman and the Greek republics. Studies like theſe excite that natural love of Freedom which lies latent in the breaſt of every rational being, till ſtifled by prejudice, or extinguiſhed by the ſordid allurements of private intereſt.

THE effect which almoſt conſtantly attends ſuch reading operated on my inclinations in the ſtrongeſt manner, and Liberty became the object of a ſecondary worſhip in my delighted imagination. A mind thus diſpoſed can never ſee through the medium held up by party-writers; or incline to that extreme of candor, which, by coloring the enormous vices, and magnifying the petty virtues, of wicked men, confound together in one undiſtinguiſhed groupe the exalted patriots who have illuſtriouſly figured in this country, with thoſe time-ſerving placemen who have ſacrificed the moſt eſſential intereſts of the public to the baſeneſs of their private affections.

THE ſocieties of the modern ages of the world are not conſtituted with powers to bring to an impartial tribunal men truſted in the higher offices of the ſtate. Fame is the only reward

ward which, in the prefent times, true virtue hath to hope; and the only punifhment which the guilty great have to apprehend is eternal infamy. The weight of punifhment ought ever to be determined by the importance of the conſequences which attend the crime: In this balance the vices of men in public characters can admit of no alleviation. A good citizen is a credit to his country, and merits the approbation of every virtuous man. Patriots who have facrificed their tender affections, their properties, their lives, to the intereſt of ſociety, deſerve a tribute of praiſe unmixed with any alloy. With regret do I accuſe my country of inattention to the moſt exalted of their benefactors: Whilſt they enjoy privileges unpoſſeſſed by other nations, they have loſt a juſt ſenſe of the merit of the men by whoſe virtues theſe privileges were attained; men who, with the hazard and even the loſs of their

lives attacked the formidable pretenſions of the Stewart family, and ſet up the banners of Liberty againſt a tyranny which had been eſtabliſhed for a ſeries of more than one hundred and fifty years; and this by the exertion of faculties, which, if compared with the barren produce of modern times, appear more than human. Neglect is not the only crime committed againſt theſe ſacred characters: Party prejudice, and the more deteſtable principle of private intereſt, have painted the memoirs of paſt times in ſo falſe a light, that it is with difficulty we can trace features, which, if juſtly deſcribed, would exalt the worthies of this country beyond the fame of any ſet of men, which the annals of other nations can at any one period produce.

To do juſtice therefore to the memory of our illuſtrious anceſtors to the utmoſt extent of my ſmall abili-

ties,

ties, ſtill having an eye to public Liberty, the ſtandard by which I have endeavored to meaſure the virtue of thoſe characters which are treated of in this hiſtory, is the principal motive which induced me to undertake this intricate part of the Engliſh annals. If the execution is deficient, the intention muſt be allowed to be meritorious; and if the goodneſs of my head may juſtly be queſtioned, my heart will ſtand the teſt of the moſt critical examination. In this country, where luxury has made a great progreſs, it is not to be ſuppoſed that the people of fortune will fathom the depth of politics, or examine the voluminous collections in which can only be found a faithful repreſentation of the important tranſactions of paſt ages. It is the buſineſs of an hiſtorian to digeſt theſe, and to give a true and accurate ſenſe of them to the public. I have ever looked upon a ſuppoſed knowledge of facts ſeen in the falſe mirror of miſrepreſentation as one of the

the great banes of this country. Individuals may err, but the public judgment is infallible. They only want a juſt information of facts to make a proper comment. Labor to attain truth, integrity to ſet it in its full light, are indiſpenſable duties in an hiſtorian. I can affirm that I am not wanting in thoſe duties. The invidious cenſures which may enſue from ſtriking into a path of literature rarely trodden by my ſex, will not permit a ſelfiſh conſideration to keep me mute in the cauſe of liberty and virtue, whilſt the doctrine of ſlavery finds ſo many intereſted writers to defend it by fraud and ſophiſtry, in oppoſition to the common reaſon of mankind and the experience of every age. Abſurd as are the principles and notions on which the doctrine of arbitrary power is eſtabliſhed, there have been ever in this country found many to adopt it. The vulgar are at all times liable to be deceived; and this nation has ever pro-

produced a number of bad citizens, who, prone to be corrupted, have been the ready tools of wicked miniſters, and the zealous partizans in a cauſe big with the ruin of the ſtate, and the deſtruction of that felicity which the individuals of this country have for ſome years enjoyed. It is juſtly remarked by an able writer, "That there may be a faction for the crown as well as againſt it, and conſpiracies againſt Freedom as well as againſt Prerogative." Whoever attempts to remove the limitations neceſſary to render monarchy conſiſtent with Liberty, are rebels in the worſt ſenſe; rebels to the laws of their country, the law of nature, the law of reaſon, and the law of God. Can there be ſuch men? Was I to put the queſtion to my own heart, it would anſwer, that it was impoſſible there ſhould be ſuch. But the annals of this country have a ſhameful tale to tell, that ſuch a fac-

tion has ever exiſted in this ſtate, from the earlieſt period of our preſent conſtitution.

THIS faction has not only prevented the eſtabliſhing any regular ſyſtem to preſerve or improve our liberties; but lie at this time in wait for the firſt opportunity which the imperfections of this government may give them to deſtroy thoſe rights, which have been purchaſed by the toil and blood of the moſt exalted individuals who ever adorned humanity. To ſhew the cauſes of ſo great a malignancy it will be neceſſary to obſerve, that there are in every ſociety a number of men to whom tyranny is in ſome meaſure profitable; men devoid of every virtue and qualification requiſite to riſe in a free ſtate: The emoluments and favors they gain for ſupporting tyranny are the only means by which they can obtain diſtinctions; which, in every equal government, are the rewards

of

of public ſervice. The ſelfiſh affections of theſe men, exalted above worthier citizens, fancy a recompence in this exaltation ample enough for the ſacrifice of their Liberty. To avoid the cenſures of injured poſterity, their children are brought up in the doctrine of a neceſſary ſervitude, and are taught to regard the champions of Liberty as the diſturbers of the peace of mankind. Hence is produced a numerous claſs of men, who having been educated in the principles of ſlavery, become the deluded inſtruments of all the villainous purpoſes of mean ambition.

Some there are, who, envying the reputation which illuſtrious characters have acquired, bend their endeavors to deſtroy the genuine notions of virtue and public utility, on which the fame of great men is built. Others, whoſe affections are of ſo baſe an alloy, that they envy the independency which every

very individual of this country may enjoy, and would willingly forfeit that natural privilege to ſuperior tyrants provided they might have the power of domineering over the lower claſs of people. Others again, who, having drudged through what is called a regular education, with much learning, or rather reading, but without judgment to have acquired real knowledge, become a magazine of other men's conceits, and commence the diſciples of the firſt doctrine which accident flings in their way. Theſe ſcholars, in the purſuit of ſcience, loſe the diſtinctions of common ſenſe, and are as obſtinately fixed in the prejudices of the authors with whom they they have converſed, as if theſe prejudices were the produce of their own imaginations. Hence proceed thoſe oppoſite opinions among the ſpeculative part of mankind, in regard to popular and monarchical privileges. All men can acquire the jargon of terms,

terms, but the depth of ſcience is only to be attained by genius. The greater proportion of ignorance there may be in a diſputant, the more reluctant he is to give way to reaſoning which contradicts the borrowed opinions he has taken in the groſs; he looks with a ſovereign contempt on his antagoniſt, not becauſe he can confute his arguments, but becauſe his arguments contradict the tenets which have been laid down by Hobbes, and other writers of that ſtamp. Unequal to the combat, he ſkirmiſhes at a diſtance, wilfully converſes in generals, and never enters into thoſe particulars which may inveſtigate the ſubject. Men like theſe, without the deſire of attaining truth, wrangle but for victory; and if they have ſenſe enough to ſee their miſtakes, they never have candor enough to acknowledge them.

The general education of the Engliſh youth is not adapted to cheriſh

thoſe generous ſentiments of Independency, which is the only characteriſtic of a real gentleman. The buſineſs of the public ſchools is nothing more than to teach the rudiments of grammar, and a certain degree of perfection in the Latin and Greek tongues. Whilſt the languages of theſe once-illuſtrous nations are the objects of attention, the divine precepts which they taught and practiſed are totally neglected. From the circle of theſe barren ſtudies, the ſchool-boy is tranſplanted into the univerſity. Here he is ſuppoſed to be initiated in every branch of knowledge which diſtinguiſhes the man of education from the ignorant herd; but here, as I am told and have great reaſon to believe are taught doctrines little calculated to form patriots to ſupport and defend the privileges of the ſubject in this limited monarchy. "In theſe ſeats of education, ſays an ingenious author, inſtead of being formed

formed to love their country and conſtitution, the laws and liberties of it, they are rather diſpoſed to love arbitrary government, and to become ſlaves to abſolute monarchy. A change of intereſt, provocation, or ſome other conſideration, may ſet them right as to the public; but they have no inward principle of love to their country and of public Liberty; ſo that they are eaſily brought to like ſlavery, if they may be made the tools of managing it." The ſtudy of hiſtory is little cultivated in theſe ſeminaries; and not at all thoſe fundamental principles of the Engliſh conſtitution on which our anceſtors founded a ſyſtem of government, in which the Liberty of the ſubject is as abſolutely inſtituted as the dignity of the ſovereign. Yet the knowledge of theſe fundamental principles are as neceſſary to underſtand this ſyſtem of government, as the knowledge of them was neceſſary to conſtruct it.

The form of the conſtitution may be preſerved, when the ſpirit of it is loſt; and nothing is more likely to happen, whilſt thoſe perſons who are appointed to maintain it are ignorant of thoſe fundamental principles, whereon the barriers which defend civil liberty from prerogative are founded. Prejudice with a love of ſlavery, or at leaſt ignorant of the advantages of Liberty, the laſt part of the education of the men of fortune in this country is what is called the tour of Europe; that is, a reſidence for two or three years in the countries of France and Italy. This is the finiſhing ſtroke, which renders them uſeleſs to all the good purpoſes of preſerving the birthright of an Engliſhman. Without being able to diſtinguiſh the different natures of different governments, their advantages, their diſadvantages; without being able to comprehend how infinitely they affect the intereſt

and happineſs of individuals, they grow charmed with every thing which is foreign, are caught with the gaudy tinſel of a ſuperb court, the frolic levity of unreflecting ſlaves; and thus, deceived by appearances, are riveted in a taſte for ſervitude.

THESE are the cauſes which occaſion the irrational inclinations of many of the Engliſh people in regard to government: and would to God that theſe, though very important in themſelves, were the only ones which Liberty had to fear. In forming this government, a latent evil crept into the vitals of the ſtate, and hath in the courſe of time poiſoned every part of the conſtitution. Corruption, that undermining miſchief, hath ſapped the foundation of a fabric, whoſe building was cemented with the blood of our beſt citizens. The growing evil hath ſpread far and wide, tainted the

minds of men with ſuch an incurable degeneracy, that the virtue of our forefathers is become the ridicule of every modern politician.

It is become an eſtabliſhed maxim, that corruption is a neceſſary engine of government. There are ſome among us who have not been aſhamed to ſay, that it is proper for the other parts of the legiſlature to depend on the monarch by corruption. How oppoſite this is to the genius and ſpirit of our conſtitution, is too apparent to need a proof. That the conſequences of it are already ſeverely felt in this country, our debts and heavy taxes fatally demonſtrate: How deſtructive it is to every virtue which preſerves ſociety, or dignifies human nature, is alſo apparent. This is a ſad but certain truth, that corruption is ſo general among us that it has diſſolved the ſacred bonds of mutual truſt. By the

in-

influence of bribery, every man in theſe days has a triple temptation to ſin againſt his country: The emoluments of favor; the fear of being laughed at for his honeſty; of being abandoned by his aſſociates, and left ſingle to ſtand the inſults of a victorious faction.

If I have digreſſed from the ſubject I ſet out with, which was to inform the public of my intention in writing this Hiſtory, they will, I hope, excuſe a warmth which national evils have excited in a breaſt zealous in the cauſe of Liberty, and attatched with a fervent devotion to the civil rights of my country. There remains nothing now but to aſſure my readers, that I ſhall finiſh this period of hiſtory, to the elevation of the Hanover-Line, with the ſame indefatigable induſtry as I have executed this ſmall part of it: and having nothing ſo much in view as the inveſtigation of truth, ſhall purſue it with an

an integrity which, I think, cannot justly be called in question by the most invidious inquisitor.

The inaccuracies of style which may be found in this composition, will, I hope, find favor from the candor of the public; and the defects of a female historian, in these points, not weighed in the ballance of severe criticism.

ADDRESS

ADDRESS to LIBERTY.

OH, firſt and moſt benevolent of powers!
Come from eternal ſplendors; here on earth,
Againſt deſpotic pride, and rage, and luſt,
To ſhield mankind; to raiſe them to aſſert
The native rights and honor of their race.
Teach me, thy loweſt ſubject, but in zeal
Yielding to none, the PROGRESS OF THY REIGN;
And with a ſtrain from thee enrich the Muſe:
As THEE alone ſhe ſerves, her patron THOU,
And great inſpirer be: Then will ſhe joy,
Tho' narrow life her lot, and private ſhade.
And when her venal voice ſhe barters vile,
Or to thy open or thy ſecret foes,
May ne'er thoſe ſacred raptures touch her more,
By ſlaviſh hearts unfelt! and may her WORK
Sink in oblivion with the nameleſs crew,
Vermin of ſtate! to thy o'er-flowing light
That owe their being, yet betray thy cauſe.

THOMSON.

ADDRESS TO LIBERTY.

O Hail, firſt and moſt benevolent of powers!
Come from eternal ſplendors; here on earth,
Againſt deſpotic pride, and rage, and luſt,
To ſhield mankind; to raiſe them to aſſert
The native rights and honor of their race:
Teach me, thy loweſt ſubject, but in zeal
Yielding to none, the progreſs of our nation;
And with a ſtrain from thee enrich the Muſe:
As Thea alone ſhe loves, her patron THOU,
And great inſpirer be: Then will the joy,
Tho' narrow life her lot, and private ſhade,
And when her venal voice the barters vile,
Or to thy open or thy ſecret foes,
May ne'er thole fadeleſs raptures touch her more,
By ruſhing hearts unfelt! and may her WORK
Sink in oblivion with the mercenary crew;
Vermin of ſtate! to thy o'er-flowing light
That owe their being, yet betray thy cauſe.

THOMSON.

THE HISTORY OF ENGLAND.

JAMES I.

CHAP. I.

Acceſſion of James.——Treaty with France.——Conſpiracy againſt the King.——Conference at Hampton-Court.——A Parliament.——Treaty of Peace with Spain.

ON the deceaſe of Elizabeth, James VI. of Scotland ſucceeded to the throne of England. By the connection of the family of the Stewarts with the Tudors, through Margaret the daughter of Henry VII. he claimed ſuperiority of title; but to the nomination of Elizabeth he owed his peaceable aſcent to the throne. This princeſs, by a long reign and many favorable concurring circumſtances, had gained an entire aſcendency over the hearts and opinions of her ſubjects, notwithſtanding that, during the courſe of her government, ſhe had exerted very arbitrary principles of ſovereignty; to which ſhe was enabled by the yet-cheriſhed opinion of royal prerogative, and the continuation of the ſame religious Ann. 1603.

ADDRESS TO LIBERTY.

O H, first and most benevolent of powers!
Come from eternal splendors, here unearth
Against despotic pride, and rage, and lust,
To shield mankind, to raise them to assert
The native rights and honor of their race.
Teach me, thy lowest subject, but in zeal
Yielding to none, the progress of thy reign;
And with a strain from thee enrich the Muse:
As Thee alone she loves, her patron Thou,
And great inspirer be: Then will the joy,
Tho' narrow life her lot, and private shade,
And when her venal voice the barters vile,
Or to thy open or thy secret foes,
May ne'er thole facred raptures touch her more,
By lavish hearts unfelt! and may her Woan
Sink in oblivion with the nameless crew,
Vermin of flate! to thy o'er-flowing light
That owe their being, yet disown thy cause.

THOMSON.

THE HISTORY OF ENGLAND.

JAMES I.

CHAP. I.

Acceſſion of James.——Treaty with France.——Conſpiracy againſt the King.——Conference at Hampton-Court.——A Parliament.——Treaty of Peace with Spain.

ON the deceaſe of Elizabeth, James VI. of Scotland ſucceeded to the throne of England. By the connection of the family of the Stewarts with the Tudors, through Margaret the daughter of Henry VII. he claimed ſuperiority of title; but to the nomination of Elizabeth he owed his peaceable aſcent to the throne. This princeſs, by a long reign and many favorable concurring circumſtances, had gained an entire aſcendency over the hearts and opinions of her ſubjects, notwithſtanding that, during the courſe of her government, ſhe had exerted very arbitrary principles of ſovereignty; to which ſhe was enabled by the yet-cheriſhed opinion of royal prerogative, and the continuation of the ſame religious Ann. 1603.

Anno 1603. ligious factions which had ſupported a like exertion in the reign of her father Henry VIII. and her ſiſter Mary.

Elizabeth died on March 24, 1603, after a proſperous reign of forty-four years. Her good fortune is in nothing more conſpicuous, than in the unmerited fame it has to this day preſerved to her. The vices of this princeſs were ſuch as could not exiſt with a good heart, nor her weakneſſes with a good head: but to the unaccountable caprice of party-zeal ſhe owes the reputation of qualities which would do honor to a maſculine mind.

James proclaimed. Six hours after her deceaſe, James her ſucceſſor was proclaimed. Great was the impatience of the people to behold their new ſovereign; no leſs impatient was their ſovereign to take poſſeſſion of his new dignity. His immediate journey from Edinburgh to London followed the joyful news of his acceſſion *. The concourſe of people whom idleneſs, curioſity, and intereſt, had brought together, was ſo offenſive to him during his progreſs, that he iſſued a proclamation, forbidding ſuch a tumultuous reſort. His ignorance of the laws of England, and the high idea he had conceived of his preſent power by the arbitrary proceedings of his predeceſſors, made him, upon his arrival at Newark, guilty of the abſurd violence of hanging a thief without form or

* The following is a curious paſſage in a letter which James wrote from Edinburgh to the lord-mayor, aldermen, and common-council of London, on hearing that he had been proclaimed King. "Do all whatſoever things you ſhall find neceſſary or expedient for the good government of the ſaid city in execution of juſtice, as you have been uſed to do in our deareſt ſiſter's time, till our pleaſure be known unto you to the contrary." *MSS. in Br. Muſeum*, fol. 7021. no. 23.

trial.

trial *. His ſeverity was ſoon after exerciſed on Valentine Thomas, of whom he had complained to Elizabeth that he had calumniated his conduct. This unfortunate man was in priſon on this account, at the time of James's acceſſion; who immediately brought him to a trial, and obtained his condemnation on the pretence of a conſpiracy againſt Elizabeth and ſome of her council. Ann. 1603. Stow's Annals, 1631, p. 821. Stow, p. 825.

The firſt national tranſaction in which he engaged was a treaty with France, extorted from him by the importunity of Roſny †, whom Henry IV. had ſent into England for that purpoſe. The articles contained a defenſive league between France and England; and offenſive, if the Spaniards, who were the then-dreaded power in Europe, ſhould attempt the Netherlands. This ſucceſs of Roſny was extraordinary, becauſe James had an averſion to the Dutch for their principles of freedom. His chief counſellor at this time was Cecil, created by him ſucceſſively lord Eſſindon, viſcount Cranbourn, and earl of Saliſbury ‡. The preſent favor of this miniſter ſurpriſed every body; he was naturally odious Treaty with France.

* The manner in which he was addreſſed by his new ſubjects did not a little contribute to give him romantic notions of his preſent fortune. The letter the council wrote to him, to notify their having proclaimed him King, begins with theſe words: "Right high, right excellent, and mighty prince, and our dread ſovereign lord."

† Afterwards duc de Sully. It appears from Sully's Memoirs, that both the kings of France and Spain diſtributed large ſums among James's miniſters and courtiers, to bribe them to their reſpective intereſts.

‡ James was ſo laviſh of his favours, that in the courſe of this year he created fourteen peers; and from April 6 to May 20 he had made two hundred and thirty-ſeven knights. The earl of Southampton and the young earl of Eſſex were reſtored to their titles.

Ann. 1603. to James on account of his father's enmity to Mary, and his own oppoſition to his partizan the earl of Eſſex: but this cunning courtier had ingratiated himſelf by a ſecret commerce during the latter years of Elizabeth's life. Not ſo was the fate of Sir William Raleigh, a leader in all the intrigues in which Cecil had been engaged, excepting the laſt.

Conſpiracy againſt the king.

Among the many diſcontented courtiers which a change of royal favor had occaſioned, Raleigh and the lords Grey and Cobham were the moſt turbulent. Their indiſcretion ran ſo high as to affect their lives and fortunes. A kind of conſpiracy * with Aremberg the Flemiſh ambaſſador was charged againſt them and three other commoners; viz. Sir Griffith Markham, Anthony Copley, and George Brook, brother to the lord Cobham. The grounds of their accuſation were ſome bold imprudent words ſpoken in the height of reſentment. The iſſue of it was the condemnation of all the accuſed; though Sir Walter Raleigh could not be brought in guilty without the violation of a very eſſential law in the conſtitution, there being no other evidence than a written one † to appear againſt him. To all but

* The purport of the conſpiracy was to ſet Arabella Stewart, the King's couſin-german, upon the throne.

† This was the lord Cobham's. This nobleman had been betrayed into an accuſation of Raleigh; but, on a fit of ſickneſs, he wrote the following letter to him: "Seeing myſelf ſo near my end, for the diſcharge of my conſcience, and freeing myſelf from your blood, which elſe will cry vengeance againſt me, I proteſt upon my ſalvation I never practiſed with Spain by your procurement. God ſo comfort me in this my affliction, as you are a true ſubject, for any thing I know. I will ſay as Pilate, *Purus ſum a ſanguine hujus.* So God have mercy on my ſoul as I know no treaſon by you."—This letter was produced in court by Raleigh: but his enemies brought a written evidence contradictory to the

Brook the ſentence of death was mitigated to impriſonment *. Ann. 1603.

The plague at this time raged with ſuch unſparing violence, as to carry off thirty thouſand of the inhabitants of London † only. To the Roman Catholics was ſuperadded another mortification. The bigotry of Mary, the mother of James, to their faith, had filled them with a flattering aſſurance of favor from her ſon; but the denial of a toleration, which they ſtrenuouſly ſolicited, convinced them that their hopes were vain. Stow, p. 857.

Of all the qualities which marked the character of James, there was none more contemptible than a pedantic diſpoſition, which he had attained from a narrow, though laborious, education. Some ſchool-learning he had, the fruits of that unwearied application which is often united to mean parts; of that learning he was ridiculouſly vain. His vanity was much heightened by the flattery he had met with from the minions of his Engliſh court. He was eager for an opportunity of diſplaying it to the whole nation. The

the ſenſe of this letter, ſigned by the lord Cobham. Raleigh deſired his accuſer might be brought face to face; this was denied, his defence over-ruled, and the jury, after a quarter of an hour's conſultation, brought him in guilty. Cobham afterwards declared, that his name to that letter on which Raleigh was condemned was fraudulently obtained. *State Trials*, vol. I. page 183. *Sir Anthony Welden's Court of King James*, 1651, p. 36. *Guthrie*, vol. III. p. 629.

* The lord Cobham, the lord Gray, and Sir Griffith Markham, were brought to the block, before the warrant of reprieve was produced. They all three lived and died in great penury. Two prieſts, Watſon and Clerk, were convicted of being accomplices in this conſpiracy, and executed.

† This city is ſaid to have contained but one hundred and fifty thouſand inhabitants at this time.

Ann. 1604. opportunity was afforded him by a petition from the * Puritans for a reformation of ſundry articles of the eſtabliſhed church. James gave them hopes of an impartial debate, though he mortally hated all the reformers, for the reſtraints they had laid upon him in his Scotch government; reſtraints which were altogether incompatible with that fond idea he had entertained of monarchical power. In this debate James was to preſide as judge; and an aſſembly of churchmen and miniſters met at Hampton-Court for this purpoſe. From judge he turned principal diſputant, ſilencing all oppoſition by his authority and loquacity. The iſſue of the conference was an injunction to the miniſters to conform. James cloſed his many arguments with theſe powerful ones: "That preſbytery agreed as well with monarchy as God with the devil; that he would not have Tom and Dick and Will meet to cenſure him and his council;" a demonſtration ſtrong of the impartiality he had promiſed. The miniſters were obliged to acquieſce, without other conviction than that they were miſtaken in the hopes they had formed from his education. Great was the exultation and adulation of the churchmen and courtiers on this occaſion. Chancellor Egerton cried out, "He had often heard that the royalty and prieſthood were united, but never ſaw it verified till now." Archbiſhop Whitgift carried his flattery ſtill farther; "He verily believed the king ſpoke by the ſpirit of God †."

Conference at Hampton-Court.

* This petition was ſigned by ſeven hundred and fifty clergymen *Fuller's Church Hiſt.* Lond. 1655. b. X. p. 7.

† James began the conference by exclaiming againſt the Scotch church. "Bleſſed be God's gracious goodneſs, ſaid he, who hath brought me into the promiſed land; where religion

Two proclamations followed this deciſion; Ann. 1604.
one commanding all Jeſuits and prieſts who had orders from any foreign power to depart the kingdom *; the other enjoining the Puritans to conform to the eſtabliſhed church. In the ſpirit of the one, James plainly ſhewed that his ſole objection to the popiſh tenets was their not allowing his ſupremacy: he intimated in it, that he would have a regard for the tender conſciences of thoſe who could not comply with the church. That againſt the Puritans baniſhed all hopes of a like indulgence †.

religion is purely profeſſed; where I ſit among grave, reverend, and learned men; not as before elſewhere, a king without ſtate, without honor, without order, where beardleſs boys would brave us to our face." There were no ſmall reaſons for James's zeal for the Engliſh hierarchy. Many of the prelates complimented him with unlimited power; while the diſſenters hampered him with the doctrines of law and conſcience. After he had anſwered the objections urged by the preſbyterian miniſters with the ſame logic as may be found in the ſpecimens already mentioned, he added, "If this be all your party hath to ſay, I will make them conform themſelves, or elſe I will *harrie* them out of the land, or elſe do worſe, only hang them, that's all."

* At the end of this proclamation is a hint towards a political uniformity in matters of religion between all Chriſtian monarchs. To this ſcheme, which James had early planned, may be imputed many of thoſe abſurdities which frequently occur in his conduct.

† The Puritans about this time ſuffered ſo ſevere a perſecution, that they were driven to offer a petition for relief to the King, whilſt he was taking the diverſion of hunting. James was ſomething ſtartled at this unexpected intruſion, and very graciouſly directed them to depute ten of their members to declare their grievances to the council. Theſe deputies no ſooner made their appearance before the council than they were ſent to jail; and Sir Francis Haſtings, Sir Edward Montague, and Sir Valentine Knightly, under whoſe protection they had thus acted, were turned out of the lieutenancy of the county and the commiſſion of the peace. *Winwood's Memorials*, 1625, vol. II. p. 36, 48.

Ann. 1604. James now taſted of all the enjoyments he moſt affected; ſurrounded with flatterers, he ſnuffed up continually the incenſe of his own praiſe *. With the reputation of buſineſs, he indulged his paſſion for idleneſs. He affected to decide, by his judgment, all affairs both civil and religious; yet devoted his whole time to amuſement. His days were ſpent in hunting or idle compoſition; his evenings in all the variety of entertainments which the ingenuity of the queen his wife could procure him. Of the Scotch gentry, thoſe who followed the court, or were attached to the hierarchy, imitated much the levity and freedom of French manners; on the contrary, thoſe who were attached to puritaniſm affected ſeverity and reſerve. The preſent fortune and favor of James gave many of the firſt an opportunity of indulging their taſte, in a more expenſive manner than the narrowneſs of their former circumſtances would admit †. This humor coincided exactly with that of their prince.

Among the number of proclamations which were continually iſſued from royal authority, there was one ordaining an annual feſtival in remembrance of the king's deliverance from the famous Gowry conſpiracy. This was a compliment which the Scotch preſbytery had denied

* He was extolled as the Solomon of the age, and was the firſt King of England flattered with the abſurd title of Sacred Majeſty.

† The firſt diſguſt which James gave his Engliſh ſubjects, was the profuſion of favours he beſtowed on his Scotch followers. The duke of Lenox, the earl of Mar, the lord Hume, lord Kinloſs, Sir George Hume, and ſecretary Elphingſton, were added to the privy council. Sir George Hume was created earl of Dunbar; Hay was created viſcount Doncaſter, then earl of Carliſle; and Ramſay was created earl of Holderneſſe.

him,

him, under the mortifying circumſtance of not confiding enough in his veracity, to be certain of its reality. Ann. 1603.

The time for the expected meeting of the parliament now approached. A proclamation which came out with the writs was remarkable for the fairneſs of its aſpect, and the perniciouſneſs of its tendency: prohibitions which interfered with the ſubjects right of electing, were veiled with an appearance of candor which ſhaded their conſequences from the eyes of the ignorant. Proclamation.

On the nineteenth of March, the great council of the nation met. James was determined to ſhine in the double capacity of king and orator, and addreſſed the aſſembly in a copious harangue. After having thrown out many hints concerning the ſufficient right he had attained from his title, he expreſſed his ſatisfaction for the cordial reception he had received from his ſubjects, on his firſt entry into his new kingdom. Parliament.

"Shall I ever, ſaid he, nay, can I ever be able, or rather ſo unable, in memory, as to forget your unexpected readineſs and alacrity, your ever-memorable reſolution, and your moſt wonderful conjunction and harmony of your hearts, in declaring and embracing me as your undoubted and lawful king and governor? or ſhall it ever be blotted out of my mind, how at my firſt entry into this kingdom, the people of all ſorts rid and ran, nay rather flew to meet me: their eyes flaming nothing but ſparkles of affection; their mouths and tongues uttering nothing but ſounds of joy; their hands, feet, and all the reſt of their members, in their geſtures diſcovering a paſſionate longing and earneſtneſs to meet and embrace their new ſovereign." He then expatiated on the manifold bleſſings England had Journals of the Commons, vol. I p. 142.

received

Ann. 1604. received in his perſon, which would make their meaſure of happineſs full, if the two nations were united in one kingdom. "He was the huſband, he ſaid, and the whole iſland his lawful wife; and he hoped no one was ſo unreaſonable as to think, that a Chriſtian king under the Goſpel ſhould be a polygamiſt, and huſband two wives." He opened to them his opinion and intentional conduct towards the Papiſts and Diſſenters. "He acknowledged the Roman-Catholic to be the mother church, though defiled with ſome impurities. He did not wiſh the down-throwing of the temple, but that it might be purged and cleanſed from corruption; he had not, like Rehoboam, increaſed their burdens, but lightened them, as much as time, occaſion, or law, could permit; and was even then conſidering how ſome overtures might be propoſed to the preſent parliament, to lighten the burden of laws againſt them. He would be content, for his part, to meet them half way, ſo that all novelties might be renounced on both ſides. As to the ſects of Puritans and Novelliſts, being impatient of ſuperiority, they were inſufferable in any well governed commonwealth; his courſe towards them he remitted to his proclamation made on that ſubject."

This ſpeech, which was tediouſly prolix, did not gain the applauſe, nor produce the ſatisfaction which James expected; or rather it diſſatisfied every body. The Roman Catholics were not content with his diſtinctions, though he had hinted that his only objection to their faith was the ſingle tenet of allegiance to the Pope. The Puritans, a then-numerous ſect in England, were exaſperated at his branding them as a peſtilent ſet of people, deſtructive to the common-weal. The

Rapin. Smollett.

Proteſtants

Proteſtants in general diſliked his favorable declarations to the Papiſts, and the whole nation was offended at the hints he threw out towards an union with Scotland. Anno 1604.

After a recognition of the king's title, the firſt motion of the Commons was for the redreſs of grievances. The following ones, as the moſt notorious, were enumerated by Sir Robert Wroth: The wardſhips of mens children, a burden and ſervitude to the ſubjects of this kingdom: The general abuſe and grievance of purveyors and cart-takers: Particular and private patents, commonly called Monopolies *: Diſpenſations in penal ſtatutes: Tranſportations of ordnance †: Abuſes of the Exchequer. Journals of Commons, vol. I. p. 151.

In a conference ‡ with the Lords on a project to petition the King for leave to take into conſideration a recompence to be given in exchange for wardſhips §, the Lords heartily joined in the cauſe,

* On the ſubject of monopolies, it was ordered by the lower houſe, "That thoſe who find juſt cauſe of grievance ſhould bring in their complaints in writing, to the end they might be underſtood and conſidered of by the committees; and a law framed thereupon according to the cauſe."

† This article, which brought to the crown an income of 3000 l. a year, had been often repreſented by the Commons, during the adminiſtration of Elizabeth, as a great grievance to the nation, by ſupplying their enemies the Spaniards with theſe tremendous arms on eaſy terms.

‡ In this conference was flung out an extraordinary argument for this time; "That a people may be without a King, a King cannot be without a people." *Journals of the Houſe of Commons*, vol. I. p. 156.

§ The Commons appealed to the laws of nature and reaſon for the equitableneſs of their demand in reſpect to wardſhips. "It is but a reſtitution, ſaid they, of the original right of all men by the laws of God and nature; which is, that children ſhould be brought up by their parents and next of kin, and by them to be directed in their marriage." *Journals of the Commons*, vol. I. p. 227.

and

Ann. 1604. and recommended to them to comprize in the petition, purveyorſhip, licence of alienation, reſpite of homage, and other burthens, which ſtretched prerogative had made intolerable.

Theſe ſpirited exertions were rendered uſeleſs by an incident which diſturbed the concord now ſubſiſting between the two houſes. One of the prohibitions in the King's proclamation was, that no outlaw ſhould be returned. Sir Francis Goodwin was pronounced ſuch by the chancellor, his ſeat vacated, and Sir John Forteſcue, an old ſervant of the crown and favorite with the miniſtry, choſen in his room. The houſe reverſed the chancellor's decree, and reſtored Sir Francis Goodwin. The Lords, by the inſtigation of the King, who thought his authority affected, deſired a conference on the ſubject. The commons peremptorily refuſed it, as the point in queſtion regarded their own privileges. This occaſioned expoſtulations between the King and the Commons. The King ſaid, "He was loath to alter his tune, and that he ſhould now change it into matter of grief by way of conteſtation. He did ſample it to the murmurs of the children of Iſrael. He did not attribute the cauſe of his grief to any purpoſe in the houſe to offend him, but only to a miſtaking of the law. He had no purpoſe to impeach their privileges; but ſince they derived all matters of privilege from him, and by his grant, he expected that they ſhould not be turned againſt him. That there were no precedents did ſuit this caſe fully: precedents in the times of minors, of tyrants, of women, of ſimple kings, not to be credited, becauſe for ſome private ends. That by the law, the houſe of Commons ought not to meddle with returns, being all made into the

Parl. Hiſt. vol. V. p. 56.

Journals of Commons, vol. I. p. 158.

the chancery, and to be corrected or reformed by that court alone." Anno 1604.

The debates of the Commons on this ſubject were ſpirited. It was ſaid by one member, That there was juſt fear of ſome great abuſe in the late election; that the King had been miſinformed: that he had too many miſinformers: that now the caſe of Sir John Forteſcue and Sir Francis Goodwin was become the caſe of the whole kingdom: that old lawyers forget, and commonly interpret the law according to the time: that by ſuch a courſe the free election of the country was taken away, and none would from henceforth be choſen but ſuch as ſhould pleaſe the king and council. "Let us therefore, added he, with fortitude, underſtanding, and ſincerity, ſeek to maintain our privilege, which cannot be taken or conſtrued any contempt in us; but merely a maintenance of our common right; that right which our anceſtors have left us, and is juſt and fit for us to tranſmit to poſterity." "We ſhould taint ourſelves with three great blemiſhes, ſaid another member, if we ſhould alter our judgment; levity, cruelty, and cowardice. No court can reform their own judgment. Every act which paſſeth this houſe is an act of parliament. Shall juſtice float up and down? ſhall he be a member to-day, and ſhall we tear him off to-morrow? Let Sir Francis Goodwin ſtand as he is. Duty and courage may ſtand together: let not the houſe be inveigled by ſuggeſtion; this may be called a *quo warranto* to ſeize all our liberties." Debates.

Upon the queſtion, the houſe reſolved to ſtand by their former judgment. James ſent them this peremptory meſſage, "That he commanded, as an abſolute king, a conference with the judges.

Ann. 1604. judges *." To this command, expreſſed thus violently and abſurdly, the Commons, though in contradiction to their former votes, aſſented. The iſſue of the conference was favorable to Liberty; for the King being preſent, by the deſire of the Commons, was ſo much gravelled at the many precedents brought againſt him, that he compromiſed the affair. Both of the members were ſet aſide, and the Commons obtained a firm eſtabliſhment of the eſſential privilege of judging of returns. The King ſaid, "He granted it royally as King James, ſweetly and kindly, out of his good nature." Notwithſtanding the conteſt ended thus favorably, many of the ſpirited members were offended at the conceſſion of giving up their elected. The committee † who managed the affair was ſeverely reproached for exceeding their authority in giving a conſent without having firſt conſulted the houſe; and a motion was made that it might be done by warrant, and therein inſerted, "by the requeſt of the king ‡."

A conference.

* The judges had given an opinion againſt the Commons.

Journ. Com. vol. I. p. 168. † Sir Francis Bacon, one of the committee, gave the report of the conference in the following ſtrain: "The King, ſaid he, would be preſident himſelf. This attendance renewed the remembrance of the laſt, when we departed with ſuch admiration. It was the voice of God in man; the good ſpirit of God in the mouth of man. We might ſay as was ſaid to Solomon, We are glad, O king! that we give account to you, becauſe you diſcern what is ſpoken. How to report his majeſty's ſpeech he knew not; the eloquence of a King was inimitable."

‡ The outlawry of Sir Francis Goodwin was brought in on purpoſe to ſerve Sir John Forteſcue, as appears by the following paſſage in a letter from Cecil to Mr. Winwood. "Sir Francis Goodwyn having laboured to be knight of Buckinghamſhire, to the excluſion of an ancient counſellor, Sir John Forteſcue, it was adviſed by the King's learned council and judges,

The next buſineſs, which took up the attention of the Parliament, was a propoſal of an union between the two kingdoms. James was ſo hotly and impatiently ſet on this point, that he had already aſſumed the title of King of Great Britain; iſſued out a proclamation to make Scotch coin current in England; quartered St. Andrew's croſs with St. George's; and, to give a general idea of its peaceable advantages, the iron doors of the frontier towns were converted into ploughſhares. The Parliament took this ſcheme into conſideration, rather out of compliment and to humor the King, than with any deſign to bring it into execution. James drew up many projects with his own hand: he alternately complained of and cajoled the Parliament *: but

Anno 1604. Propoſal of an union.

Rapin.

judges, whether there were not ſome means by the laws to avoid it? Whereupon it being found that he was outlawed, and ſo certified by the ſheriff, conſequently a new writ was ſent forth, by virtue whereof Sir John Forteſcue was choſen." *Winwood's Memorials*, vol. II. p. 18, *& ſeq.* It is to be noted here, that in the diſquiſition of this affair, it appeared that Goodwin's outlawry was an irregular one; and that if it had been regular, it was pardoned by an act of grace.

* The following is a letter from the King to the parliament on the occaſion of the union. "Ye ſee with quhat clearneſs and ſinceritie I have behaved myſelf in this earande, even throuch all the progreſſe thairof, thoch I will not ſaye, too littel regairdit by you, but I maye juſtlie ſaye, not ſo uillinglie embraced by you, as the uorthineſs of the maitter doth uell deſerve. I proteſte to God, the fruits thairof uill chieflie tende to youre owen uell proſperitie and increaſe of ſtrenth and greatneſs: Nothing can ſtaye you from harkening unto it, but jalouſie and diſtruſte, ather of me the propounder, or of the maitter by me propounditt: If of me, then doe ye both me and yourſelfis an infinite uronge, my conſcience bearing me recorde, that I ever deſerved the contrarie at your handis; but if your diſtruſte be of the maitter itſelf, then diſtruſte ye nothing but your owin uiſdomes or honeſties: For as I have gevin over urangling upon uordis with you, ſo crave I no concluſion to be taken at this tyme heirin, but only a comiſſion, that it maye be diſputed, conſidderid

Anno 1604. without farther ſucceſs than to obtain an appointment of forty-four Engliſh to meet with thirty-one Scotch commiſſioners to deliberate concerning the terms. Their power was not extended to make any advances towards a final eſtabliſhment. The Commons were at this time warmly ſet on the redreſs of grievances; and, in all probability, for that price, would have indulged the King in his darling project. This matter had been from time to time revived in their commit-

ſidderid upon, and reported unto you; and then will ye be youre owin cookes, to dreſſe it as ye liſte: ſo that (as I have alreaddie ſaid) ſince the concluſion thairof can never be without youre owin aſſeintis: if ye be trew to youreſelfis, no man can deceave you in it, lett not youreſelfis thairfore be tranſported with the curioſitie of a few giddie headis; for it is in you nou to make the choice, ather by yielding to the providence of God, and embracing that quhiche he hath caſtin in youre mouthis, to procure the proſperitie and increaſe of greatnes to me and myne, you and youres; and by the awaye-taking of that partition-uall, quhiche allreaddie, by Godde's providence, in my bloode is rent aſunder, to eſtabliſh my throne and youre boddie politike, in a perpetuall and flooriſhing peace; or ellis contemning Godde's benefites ſo freely ofred unto us, to ſpitte and blaſpheme in his face, by praeferring uarre to peace, trouble to quyetnes, hatred to love, ueekneis to greatneſs, and diviſion to union; to ſowe the ſeidis of diſcorde to all our poſterities; to diſhonoure youre King; to make both me and you a proverbe of reproche in the mouthis of all ſtraingeris and all ennemies to this nation, and envyers of my greatnes: and oure next laboure to be, to take up new guariſons for the bordouris, and to make new fortifications thaire. *Sed meliora ſpero.* I hoape that God, in this choice and free uill of youris, uill not ſuffer you, withe olde Adame, to chooſe the worſte, and ſo to procure the defacing of this earthlie paradiſe; but by the contrarie, that he ſhall inſpyre you ſo, as, with the ſeconde Adame, ye ſhall produce peace; and ſo beutifie this oure earthlie kingdome heerwith, as it may repreſente, and be an arles pennie unto us, of that æternal peace in that ſpirituall kingdome, quhiche is prepared for the perpetuall reſidence of all his choſen children." *Vid. Journ. Houſe of Com.* vol. I. p. 193. *& ſeq.*

tees,

tees, during the whole ſeſſion; and in a confe- Ann. 1604.
rence with the upper houſe there were certain ſums propoſed as conſiderations for wardſhips, reſpite of homage, licenſe of alienations, tenures *in capite*, &c. The gleam of public virtue which appeared in the Lords for a ſhort time at the beginning of the ſeſſion, was now entirely vaniſhed. They not only diſſented from, but reproached the Commons for their proceedings, and termed the propoſals, "Propoſals to the King for ſelling his prerogative."

This ill ſucceſs did not deter them from proceeding with unabated diligence on the abuſes in eccleſiaſtical matters *. A petition was framed for redreſs, but dropt by the prevailing influence of the court and hierarchy. As the Commons had been foiled in all their intentions for the good of the public, they were juſtly determined that it ſhould not be robbed to feed the avarice and luxury of courtiers. A demanded ſubſidy was ſo vehemently diſputed in the houſe, that the King ſent to deſire it might be altogether laid 7 July.
aſide; and the end of the ſeſſion ſoon followed †.

* Their acquieſcence to the royal command, for a conference with the judges in the caſe of returns, had encouraged James to ſignify to them, in a meſſage, a deſire that before they intermeddled with the reformation of matters of religion, they would confer with the members of the convocation-houſe. This meſſage produced a warm diſpute. It was urged, that there was no precedent of any conference with a convocation. The concluſion was an offer to the King, that they would be ready to confer on any matter of that nature with the biſhops, as lords of parliament. *Journals of Commons*, vol. I p. 173.

† Acts paſſed this ſeſſion.

1. An act of recognition of the title to the crown.

2. An act authorizing certain commiſſioners of England to treat with commiſſioners of Scotland, for the weal of both kingdoms.

A. D. 1604. Parliam. Hiſt.

The Commons had nobly aſſerted their privileges in ſeveral inſtances. The delivery of Sir

3. An act againſt the diminution of the poſſeſſions of archbiſhoprics and biſhoprics, and avoiding of dilapidations of the ſame.

4. An act for the due execution of the ſtatutes againſt Jeſuits, ſeminary prieſts, recuſants.

5. An act to prevent the over-charge of the people by ſtewards of court-leets and court-barons.

6. An act for the explanation of the ſtatute concerning labourers.

7. An act for the continuance and explanation of an act for puniſhment of vagabonds, &c.

8. An act to take away the benefit of clergy for ſome kinds of manſlaughter.

9. An act to reſtrain the haunting of public houſes, inns, &c.

10. An act for the better execution of juſtice.

11. An act to reſtrain all perſons from marriage till their former wives and huſbands be dead.

12. An againſt witchcraft, &c.

13. An act for new executions to be ſued againſt any who ſhall hereafter be delivered out of execution by privilege of parliament, &c.

14. An act for a remedy for a freeman of London to recover ſmall debts, &c.

15. An act for the better relief of creditors againſt ſuch as ſhall become bankrupts.

16. An act concerning wherrymen and watermen.

17. An act concerning the making of hats and felts.

18. An act concerning uſing or buying corrupted hops.

19. An act for the well garbling of ſpices.

20. An act for redreſſing of abuſes uſed in painting.

21. An act againſt brokers.

22. An act concerning tanners, curriers, ſhoemakers, &c.

23. An act for the preſervation of the fiſhery in Somerſet, &c.

24. An act againſt the deceitful making mildernix and powle davies, &c.

25. An act for continuing ſome and repealing other ſtatutes.

26. An act for the continuance and obſervation of certain exchequer orders.

27. An act for the preſervation of game.

28. An act concerning the franchiſes of the borough of Berwick.

29. An

Thomas Shirley, one of their members, who had been committed to the Fleet, was demanded and obtained; and the warden puniſhed for contempt of the houſe, in refuſing to releaſe his priſoner. In this caſe a vote had been carried by a majority of ſeventeen, for ſix of the members to be ſent by the houſe with the ſerjeant and mace to require the delivery; but they were deterred from the reſolution by a repreſentation of the ſpeaker, that the members who entered the priſon in that manner would be by law ſubject to an action. Sir Herbert Crofts, one of the members, coming up with others to hear the King's ſpeech, was inſulted by a yeoman of the guards, who ſhut the door againſt him, ſaying, "Goodman burgeſs, you come not here." The Commons reſented the inſult as an affront upon the whole houſe; and their anger was with difficulty appeaſed by the yeo- Anno 1604.

29. An act concerning eating fleſh in Lent.

30. An act concerning building a church in Melcombe Regis.

31. An act for relief of perſons infected with the plague.

32. An act for paying a certain ſum *per* ton by certain trading veſſels.

33. An act for a ſubſidy of tonnage and poundage. *Vid. Statutes at Large.*

34. An act for avoiding multiplicity of leaſes.

35. An act againſt ſcandalous and unworthy miniſters.

36. An act for diſburthening clergymen of ſuch affairs as may hinder them in their divine callings.

37. An act for the better diſcovery and ſuppreſſing of ſimony, and other corrupt procuring of eccleſiaſtical dignities. *Vid. Parliam. Hiſt.* vol. V. p. 102.

The tonnage granted was three ſhillings on every ton of wine imported; but on ſweet wines ſix ſhillings. On every awm of Rheniſh one ſhilling. The poundage was one ſhilling in twenty on goods and merchandize imported or exported; on woollen manufactures, tin, and pewter, two ſhillings in twenty.

Anno 1604. man's aſking pardon for his fault, and receiving on his knees a reprimand from the ſpeaker.

An act for the due execution of the ſtatutes againſt jeſuits, ſeminary prieſts, recuſants, &c. met with an abſurd oppoſition from a hot-headed member of the upper houſe, the lord viſcount Montague. He inveighed againſt the whole ſtate of the eſtabliſhed religion, and attempted to prove the antiquity of the Popiſh, and the novelty of this. The Lords thought fit to commit him priſoner to the Fleet; in which place he remained till he had given ſatisfaction by confeſſing his fault.

Complaint was brought into the houſe of Lords by the Commons againſt Thornborough, biſhop of Briſtol, for having written a book in favor of the Union. The Lords agreed that the biſhop ſhould make a public acknowledgment that he had committed an offence. The biſhop ſubmitting to this determination, the affair was thus accommodated.

Bancroft had ſucceeded Whitgift in his archbiſhopric. He was ſo zealous a perſecutor of the puritans, that many families were obliged to leave their country, for foreign abodes; he endeavored to perſuade the King to uſurp the power of redreſſing the grievances of the clergy without conſulting the parliament; but James was adviſed not to take this dangerous ſtep *.

Treaty of peace with Spain.

A treaty of peace was this ſummer concluded between Spain and England †. One of the ar-

* He preſented twenty-five articles, commonly called *Articuli Cleri*, and petitioned the King to grant prohibitions upon them.

† James had recalled all the letters of marque which had been granted by Elizabeth, on his acceſſion. In his proclamation for this purpoſe, he ſuppoſes that amity with all the

ticles was unfavourable to the Dutch, as, That James ſhould fix a day, before the expiration of which the ſtates ſhould make peace with the arch-duke; and, in caſe of refuſal, ſhould deem himſelf abſolved from former engagements *. All the terms of this peace were much diſliked Anno 1604.

the princes in Chriſtendom was attached to his perſon. "Although we have made it known by public edict that at our entrance into theſe our kingdoms of England and Ireland, we ſtood, as ſtill we do, in good amity and friendſhip with all the princes in Chriſtendom, and therefore are carefully to provide, as much as in us lieth, that none of them or their ſubjects ſhould by any hoſtile action be endamaged in their perſons, territories, or goods, by any of our ſubjects, either by land or ſea, &c." Ridiculous as is this conceit, James in his firſt ſpeech to the parliament mentions this perſonal amity between him and foreign princes, as one of the bleſſings which England would enjoy by his acceſſion; when at the ſame time, his management in conſequence of this pretended advantage, deprived his people of the power to do themſelves juſtice on the ſubjects of Spain. *Rymer*, vol. XVI.

* In the beginning of the following year, the earl of Nottingham, the lord admiral, was ſent ambaſſador to Spain to ratify the treaty. The embaſſy, like all others in this reign, was gaudy and pompous. Sixty noblemen and gentlemen of the firſt rank accompanied the ambaſſador, beſides others, who with their attendants compoſed a train of ſix hundred and fifty perſons.

The ceremony of taking leave of the King is a ſtrong picture of the manners of this age of parade. James being at Greenwich, the ambaſſador with his retinue, all richly dreſſed, waited on him there. In the ambaſſador's train were ſix trumpeters, clad in orange-coloured damaſk; ſix footmen in orange-tawny velvet, alike ſuited; ſix pages clad alſo in orange-tawny velvet, with cloaks of the ſame colour; thirty with cloaks of black velvet; fourſcore yeomen apparelled with cloaths of orange cloth, garded with ſilver and blue ſilk lace. Stone, the fool, was whipt at Bridewell for ſaying that there were ſixty fools gone to Spain, beſides the lord-admiral and his two ſons.

Immediately after the concluſion of this peace, the town of Oſtend capitulated. It had been three years beſieged by the Spaniards. *Guthrie*, vol. III. p. 644. *Stow*, p. 859.

Anno 1604. by the people *. The court diſplayed a ſumptuous appearance †, and the charms of finery infected the town, whilſt the pernicious luxury was ſanctified under the ſpecious pretence of cul-

* Sir Charles Cornwallis, the King's reſident in Spain, writes thus of it to ſecretary Cecil, 2d June, 1605.

"I find here by many arguments that this peace came opportunely for this kingdom; and is admired of all Europe, yea of this kingdom itſelf, how it was poſſible, with ſo advantageous conditions to them, and ſo little profitable to our realm, it could be effected. The duke of Anera diſcourſing with one of great privacy and truſt with him, after that he had heard that the peace was in ſuch form concluded, ſaid in plain terms, That the king and counſellors of England had not their ſenſes, when in ſuch ſort they agreed upon it; and ſome Spaniards have lately reported, that the king of Spain's money purchaſed this quiet, otherwiſe peace with ſo good conditions would never have been obtained.

"By thoſe collections that I have made, and relations of others well practiſed in this ſtate, I find that England never loſt ſuch an opportunity of winning honor and wealth unto it, as by relinquiſhing the war with Spain. The King and kingdom were reduced to ſuch eſtate, as they could not, in all likelihood, have endured the ſpace of two years more: His own treaſury was exhauſted; his rents and cuſtoms ſubſigned for the moſt part for the payment of the money borrowed; his nobility poor and much indebted; his merchants waſted; his people of the country in all extremity of neceſſity; his devices of gaining by the increaſe of the valuation of money, and other ſuch of that nature, all played over; his credit in borrowing, by means of the uncertainty of his eſtate during the war with England, much decayed; the ſubjects of his many diſtracted dominions held in obedience by force and fear, not by love and duty, and therefore rather a care and burthen than a relief and ſtrength to him; himſelf very young, and in that regard with this people in no great veneration, and the leſs for ſuffering himſelf to be wholly governed by a man generally hated by his own country; his ſtrength at ſea not able to ſecure his ports at home, much leſs his Indies, or his treaſury homewards." *Winwood's Memorials*, vol. II. p. 75, *& ſeq.*

† The entertainment of the conſtable of Spain coſt James upwards of 300 l. per day, and the duke of Holſtein, brother to the queen, had a large appointment.

tivating

tivating the arts of peace, and extending the commerce of England. Anno 1604.

CHAP. II.

Gun-powder plot.——Puniſhment of the conſpirators.——Parliament.——Report of the King's death.——Subſidies granted by parliament.——The Spaniards contemn James.

JAMES and his parliament had parted mutually diſſatisfied with each other. On one ſide, the parliament, by the act of recognition, had in a manner diſavowed his pretenſion of holding the crown of England ſolely by hereditary right. The Commons had made many attempts towards the redreſs of grievances; grievances which James looked on as very neceſſary parts of his prerogative. They had proceeded very ſlowly and coldly on his favorite plan of an union. They had, though in oppoſition to royal authority, vigorouſly exerted their privileges; and finally had ſhewn an intention to deny a demanded ſubſidy. On the other hand, James had diſplayed a ſtrong inclination to encroach on the moſt eſſential rights of the Commons; had puſhed on with great earneſtneſs the unpopular plan of the union; had declared an averſeneſs to comply with their reaſonable demands; had laviſhed out his coffers on his favorites and dependants; and by this early diſregard to oeconomy, had foreboded the neceſſities to which he would be often reduced; neceſſities which could not be ſupplied without oppreſſing the ſubject.

An incident very extraordinary in its nature, and from a very unexpected quarter, united by Gunpowder plot.

Anno 1604. a ſenſe of common danger the diſpleaſed parties. The papiſts in general were much exaſperated at the diſappointment they had met with from the conduct of James. Some of the Spaniſh partizans laid great ſtreſs upon a pretended conveyance of the crown of Britain by Mary of Scots to the catholic king. All the diſcontented papiſts, who had been baniſhed England, were ſupported in the Netherlands by that monarch, and great ſums remitted into England for carrying on plots againſt the government.

The intended execution of one which had been machinating near a year and half, was haſtened or rather fixed, from ſome ſeverities the ſect had ſuffered in conſequence of an act in their diſfavor, which had paſſed the laſt ſeſſion of parliament. Determined on vengeance, ſome of the moſt enthuſiaſtic of the body conſpired under Garnet, the ſuperior of the Jeſuits, who had been the manager of all the cabals, to deſtroy with one blow the moſt powerful of their enemies.

The deſign was againſt the King and parliament; and the plan ſo far executed, that thirty-ſix barrels of gun-powder were, by means of the conſpirators, lodged in ſome vaults under the houſe of Lords, to be fired on the firſt day of their meeting, when the King was to harangue, and the queen and prince of Wales had propoſed to have been preſent. After the exploſion, the reſt of the royal family were to be ſeized by the conſpirators; and Elizabeth, James's youngeſt child, to be declared queen, under a protector of their own chooſing. The vaults had been hired by Piercy, a near relation of the earl of Northumberland, under the pretence of a lodgment for fuel; a great number of faggots covered the tremendous depoſit.

The

The fifth of November, which was the day assigned for the meeting of parliament, drew nigh. Exalted were the hopes of the conspirators; but a fatal assurance of success, united to private affection, drew from one of the party an indiscretion which happily defeated the well-concerted plan. On the twenty-sixth of October, the lord Monteagle, whose father had been a great sufferer in the reign of Elizabeth for his affection to Popery, received the following letter: "Out of the love I bear to some of your friends, I have a care of your preservation: therefore I would advise you, as you tender your life, to devise some excuse to shift off your attendance at this parliament; for God and man have concurred to punish the wickedness of this time. And think not slightly of this advertisement, but retire yourself into your country, where you may expect the event in safety; for though there be no appearance of any stir, yet I say they shall receive a terrible blow this parliament, and yet they shall not see who hurts them. This counsel is not to be contemned, because it may do you good, and can do you no harm, for the danger is past so soon as you have burned the letter *; and I hope God will give you the grace to make good use of it, to whose holy protection I commend you." Anno 1605.

Monteagle carried this letter to Cecil, then earl of Salisbury, who either did or pretended to

* Rapin relates, that both James and his ministers were puzzled at this sentence, "For the danger is past as soon as you have burned the letter." Cecil ridiculed it as the incongruity of a fool or a madman; and James thought it referred to the quick execution of the blow. The obvious sense of the words is, "That if the letter was burned, the receiver could not incur danger from the advice."

think

Anno 1605. think little of it; and the affair was dropped till the King, who had been ſome time at Royſton *, returned to town. On re-canvaſſing the letter, the gunpowder was ſcented. Moſt authors attribute this to the ſagacious timidity of James †. He was fond of the reputation of this diſcovery, and publicly aſſumed it ‡.

The plot diſcovered.

The night before the meeting of the parliament, officers were ſent to ſearch the vaults under the houſe of Lords: on removing the faggots the gunpowder was diſcovered. Guido Fawks §, who, under the guiſe of Piercy's ſervant, was found lurking about the place, was taken, and, on ſight of the rack, confeſſed the whole plot, with the names and quality of the

* While the King was at Royſton, he devoted himſelf ſo entirely to hunting, that he forbade his miniſters to diſturb his pleaſures with any buſineſs; ſaying, "His hunting was neceſſary to the ſtate; it was good for his health, and his health was neceſſary to the ſtate." Theſe huntings were great nuiſances; they are taken notice of as ſuch in a letter from Matthew Hutton, archbiſhop of York, to viſcount Cranbourn. "I could wiſh," writes this prelate, "that there was leſs waſting of the treaſure of the realm, and more moderation of the lawful exerciſe of hunting; both that the poor mens corn may be leſs ſpoiled, and other his majeſty's ſubjects more ſpared." *Winwood's Memorials*, vol. II. p. 40.

† There are ſome authorities which ſay, that Cecil had before received intimation of the intended plot from France, and the manner in which it was to be executed. Cecil owns, in a letter to Cornwallis, that he had intimation of ſome plot in hand. He alſo mentions, that the whole affair was diſcovered before the letter was communicated to James. *Winwood's Memorials*, vol. II. p. 172.

‡ According to Rapin, James's flatterers did not ſcruple to ſay, he could never have diſcovered the myſtery without the immediate aſſiſtance of the Holy Ghoſt.

§ Guido Fawks was an officer in the Spaniſh ſervice. He was ſent for from Flanders by the conſpirators, as a man of tried reſolution and zeal for the cauſe.

conſpirators.

conſpirators. On this arreſt, the criminals who remained in London fled into Warwickſhire, where their confederates were poſted to ſeize on the perſon of Elizabeth, ſo ſoon as they ſhould hear of the ſucceſs of the project. There they made a vigorous defence; but were all taken, except three, who were killed in the ſtruggle; viz. Cateſby, eſteemed to be the inventor of the plot, Thomas Piercy, and Robert Wright. Theſe following were convicted of treaſon, and executed: Sir Everard Digby, Guido Fawks, Robert and Thomas Winter, John Grant, Ambroſe Rookwood, Robert Keys, Thomas Bates, Eſqs. and Garnet, the ſuperior of the Jeſuits. Francis Treſham was convicted likewiſe, but died of a ſtranguary in priſon. Two Catholic lords, Mordaunt and Sturton, were fined, one ten thouſand, and the other ſix thouſand pounds; their abſence from parliament having begat ſuſpicion. The earl of Northumberland * ſuffered the ſeverer penalty of thirty thouſand pounds, and was detained in priſon for ſeveral years, becauſe he had admitted Piercy into the number of gentlemen-penſioners without having exacted the requiſite oaths. Theſe were the arbitrary ſentences of the Star-chamber. The lord Monteagle was rewarded with an eſtate of 200 l. a-year, and a penſion of 500 l. Ann. 1605. Conſpirators executed.

The parliament met on the 9th of November. James's ſpeech on the occaſion of the plot is perhaps as remarkable as the occaſion itſelf, the whole of it being, according to the genius of the Parliament.

* This nobleman had been ſo zealous a promoter of James's ſucceſſion to the throne of England, that he declared he would remove all impediments by the ſword. *Letters and Memoirs of Sir Fr. Bacon, by Stephens.*

orator,

Ann. 1605. orator, uncommonly prolix. I ſhall only give the moſt ſtriking paſſages.

"And now I muſt crave a little pardon of you (that ſince kings are, in the word of God itſelf, called gods, as being his vicegerents on earth, and ſo adorned and furniſhed with ſome ſparkles of divinity) to compare ſome of the works of God, the great King, towards the whole and general world, to ſome of his works towards me and this little world of my dominions." He then draws a compariſon between the deſtruction of the world by water, the ſalvation of Noah, the deſtruction of the world by fire, and the ſalvation of the faithful, with his own dangers and eſcapes in the Gowrie and gunpowder conſpiracies. He diſtinguiſhes the general ſorts of death which mankind may ſuffer. "For by three different ſorts in general may mankind be put to death. The firſt, by other men and reaſonable creatures, which is leaſt cruel; for then both defence of men againſt men may be expected, and likewiſe who knows what pity God may ſtir up in the hearts of the actors at the very inſtant, beſides the many ways and means whereby men may eſcape in ſuch a preſent fury. And the ſecond way, more cruel than that, is by animal and unreaſonable creatures; for as they have leſs pity than men, ſo it is a greater horror, and more unnatural for men to deal with them; but yet with them both reſiſtance may avail, and alſo ſome pity may be had, as was in the lions, in whoſe den Daniel was thrown, or that thankful lion that had the Roman ſlave in his mercy. But the third, the moſt cruel and unmerciful of all, is the deſtruction by inſenſible and inanimate things; and amongſt them all, the moſt cruel are the two elements of water and fire, and of thoſe two

the

the fire is the moſt mercileſs. When the letter Ann. 1605.
was ſhewed to me by my ſecretary, wherein a general obſcure advertiſement was given of ſome dangerous blow at this time, I did upon the inſtant interpret and apprehend ſome dark phraſes therein, contrary to the ordinary grammar conſtruction of them; and (in another ſort than I am ſure any divine or lawyer in any univerſity would have taken them) to be meant by this horrible form of blowing us all up by powder; and thereupon ordered that ſearch to be made, whereby the matter was diſcovered, and the man apprehended. It reſteth now that I ſhould inform you what is to be done hereafter upon the occaſion of this horrible accident. As for your parts, who are my faithful and loving ſubjects of all degrees, I know that your hearts are ſo burnt up with zeal in this errand, and your tongues ſo ready to utter your dutiful affection, and your hands and feet ſo bent to concur in the execution thereof (for which, as I need not to ſpur you, ſo can I not but praiſe you for the ſame) as it may very well be poſſible, that the zeal of your hearts may make ſome of you in your ſpeeches raſhly to blame ſuch as may be innocent of the attempt." He then excuſes the Papiſts in general, and ſays, "That many Papiſts laying their only truſt upon Chriſt and his merits, at their laſt breath, may and oftentimes are ſaved; deteſting in that point, and thinking the cruelty of the Puritans worthy of fire, that will admit no ſalvation to the Papiſts." He charges them "not to think that any foreign princes had a hand in the plot, but to ſpeak and think of them reverently."

In the concluſion of this long ſpeech are inſtructions to the parliament of the nature of their office; that they are not to be too buſy in propoſing

Ann. 1605. poſing new laws, but to conſult on thoſe which are propoſed by the King; that they ſhould be wary of propoſing novelties, but moſt of all not to propoſe any bitter or ſeditious laws *.

After the chancellor had prorogued the parliament till Tueſday, the 21ſt of January, the King roſe again, and ſhewed the reaſons for his nominating that day for the next meeting. "Since it pleaſed God, ſaid he, to deliver me upon one day of the week, which was Tueſday, and likewiſe on one day of the month, which was the fifth, thereby to teach me, that as it was the ſame devil who perſecuted me, ſo it was the ſame God who ſtill mightily delivered me; I thought it therefore not amiſs that the one and twentieth day of January, which falls to be upon Tueſday, ſhould be the day of this meeting of next ſeſſions of parliament."

The King's ſpeech was much applauded by the courtiers, who found out greatneſs of ſoul in the expreſſions of moderation towards the Papiſts. The generality of the people were of a different opinion; they conſidered it as the proofs of an incurable tenderneſs to the Roman Catholics, and looked with horror and reſentment on the un-

* James makes a kind of apology for not having before this performed the office of a tutor to the parliament. "It could not," ſaid he, "be poſſible for me, at my firſt entry here, before experience had taught it me, to be able to underſtand the particular myſteries of this ſtate. Yet now that I have reigned almoſt three years amongſt you, and have been careful to obſerve thoſe things that belong to the office of a King; albeit that time be but a ſhort time for experience in others, yet in a King may it be thought a reaſonable long time, eſpecially in me, who, although I be but in a manner a new King here, yet have been long acquainted with the office of a King in ſuch another kingdom, as doth neareſt of all others agree with the laws and cuſtoms of this ſtate."

charitable

charitable condemnation of the Puritans to fire, for an opinion which had no relation to the ſtate. Neither of theſe aſſigned motives were the real ones which actuated James in this declaration: he was at this time cajoled by Spain with the hopes of a family-alliance, attended with theſe flattering conditions: That he was to be made the arbiter of all the religious differences in Europe; that a large part of Flanders, and a yearly penſion of a million of ducats, were to be the portion of the infanta; and that a reddition of ſuch towns as he ſhould demand were to be the ſecurity. He, on his ſide, was to aſſiſt Spain againſt the States-general. Hence proceeded the cautious handling of the Papiſts; hence the charge to the Commons to think and ſpeak reverently of foreign princes: and hence proceeded many proclamations to prevent the public from ſuſpecting that the conſpirators had been promiſed aſſiſtance from ſuch powers. Nor were theſe all the ſteps which James took to reconcile the Spaniards to his conduct. Many Roman Catholics, who had taken up arms in Warwickſhire in defence of the conſpirators, were left unproſecuted, and an excuſe ſent to Spain for the fine and impriſonment of the earl of Northumberland *. Ann. 1605. Winwood's Memorials, vol. II. p. 100, p. 166, & ſeq.

On the re-meeting of the parliament, the heinouſneſs of the late conſpiracy was the firſt conſideration which engaged the attention of both houſes. Some of the Commons propoſed that the priſoners might be tried before the King and parliament; others were for bringing in a bill to enact a more rigorous puniſhment than the law Re-meeting of parliament.

* James gave leave to count Arundel of Wardour to raiſe a regiment of fifteen hundred Engliſh, and to the earl of Hume to raiſe another of a thouſand Scots, for the ſervice of the arch-duke. *Guthrie*, vol. III. p. 646.

ordained.

Ann. 1605. ordained. Both theſe motions were dropped, and the proceedings againſt them took their due courſe. The reſult of their reſentment was an act which ordained an annual thankſgiving on the fifth of November; and two ſevere ones againſt the body of Papiſts, entitled, "An act for diſcovering and repreſſing Popiſh recuſants; and an act to prevent dangers which may grow by Popiſh recuſants." Theſe ſtatutes are yet in force.

The buſineſs of a ſupply brought on the demand for redreſs of grievances. The King, who heard that the Commons were about eccleſiaſtical abuſes, was determined to be beforehand with them, and a meſſage was delivered to the Lords by the archbiſhop of Canterbury, concerning the abuſes of excommunication, with this proviſo: "Tho his majeſty doth deſire that the ſaid juriſdiction eccleſiaſtick may be maintained and upholden in all reſpects as it is fit." A meſſage from the Commons deſired a conference on theſe articles: The ſilencing of miniſters, the multiplicity of eccleſiaſtical commiſſions, the manner of citations, and the point of excommunication. The Lords did not anſwer the meſſage till ſome time after, when the Commons were told that they had appointed a committee for the conference. Prerogative royal had been ſo zealouſly maintained in the upper houſe, in a debate whether they ſhould agree or not to the deſired conference, that the King ſent thanks to all the Lords in general for their regard to his power. The buſineſs of the conference was now proceeded on. The biſhops were of the committee for the Lords, and the affair was determined according to the ſenſe of the King's meſſage.

This

This point gained, new difficulties aroſe. The nuiſance of purveyorſhip, and the iniquity of the officers, were ſo ſtrongly repreſented by the Commons, that the miniſtry were confounded, and ſaid that they would join in chaſing out purveyors *: but entreated an immediate ſupply to the King's neceſſities †. A bill for three ſubſidies and ſix fifteenths went on heavily in the lower houſe; the redreſs of grievances was thought very neceſſary to precede ſo large a grant. Theſe were enumerated, and the amount was ſo vaſt, that James ſaid peeviſhly, "They had ſent an O yes through the nation to find them." Anno 1605. Parl. Hiſt.

In the heat of the debate, an alarm of the King's being murdered at Oking threw the whole town in confuſion. The citizens were put under arms, and preparations made againſt a ſiege. Report of the King's death.

* Theſe men, by the licence of their office, which was to purvey for the King's houſhold, preſſed into their ſervice all kind of wheel-carriages and vehicles, in times of the greateſt buſineſs, and by ſuch means extorted money for reſpites. Two acts to redreſs this grievance paſſed the houſe of Commons, but were rejected by the Lords.

† Sir Thomas Ridgeway was one of the moſt zealous members in this buſineſs. After having expatiated on the bleſſings the iſland enjoyed under the preſent government, he enumerated the charges the King had ſuſtained ſince his acceſſion to the throne; and added, that the commonwealth was obliged to lighten the burden; for, as Moſes ſaid, How can he alone bear their ſtrifes and incumbrances?

James at this time maintained, at a great charge, an ambaſſador or reſident in almoſt every court in Europe; his domeſtic expences ran high; ſome of the maſks which the queen gave coſt 3000 l. James had ſcattered his favours with a childiſh profuſion; and the Commons plainly ſaw, in enumerating the reaſons of his neceſſity, that theſe cauſes might have been avoided. Mr. Holt obſerved, that a ſubſidy was a public contribution, not to be applied to private uſes, bounties, expences, ceremonies, and the like. *Parl. Hiſt.* vol. V. p. 147. *Winwood's Memorials*, vol. II. p. 41.

Anno 1605. The frighted members ſent meſſage after meſſage to the council, to know the truth of the various reports; in a little time they became leſs ſtrong, then doubtful, and in ſome hours James ſent word that he intended being in London that day. Whilſt the minds of men were yet agitated by the double ſurprize, whilſt the tide of affection ran yet high on account of the ſuppoſed accident, the courtiers puſhed the ſupply ſo ſtrongly and ſo warmly, that, notwithſtanding all the clearſighted members could do, they carried the motion. The next day, when time and reflection had abated overheated loyalty, the outwitted party began to conſider of the largeneſs of their generoſity; and ſome of the members moved that it ſhould not paſs till the heavy grievances of the nation were redreſſed. The courtiers over-ruled this, and the bill was ſent up to the houſe of Lords, where it met with a quick and eaſy aſſent. Nor did the gratification which James enjoyed from the report terminate here. He was received at Hyde-park by the ſpeaker and four members of the houſe of Commons; the city paid him the ſame compliment; whilſt the eaſy vulgar were unbounded in their extaſies.

Subſidies granted by parliament.

Parl. Hiſt. The union was again brought before the houſes, and a bill paſſed as ineffectual as the former. The Commons were in ſo little temper for ſuch a compliance, that the country-party in the houſe had drawn up a liſt of the grievances of church and ſtate, and briſkly preſented it, while the bill of ſupply was paſſing the Lords. The oppreſſion which the ſubject ſuffered from purveyorſhip was again argued in the houſe, with propoſals for taking away the arbitrary power of the Green-cloth. This drew a meſſage from the King, in which

which he aſſured them of a reformation in this article, and that the ſubject ſhould not be brought before the Green-cloth, but before the juſtice-ſeat. One Parker preached a ſermon at St. Paul's, where he abuſed the houſe of Commons in the groſſeſt terms for irregular proceedings: he was protected by the King, under a promiſe of correction. This affair would have gone farther, if the parliament had not been prorogued ſuddenly *. Anno 1606. Parliament prorogued, 27 May.

* Acts paſſed this ſeſſion.

1. An act for an annual thankſgiving on the fifth day of November.

2. An act for the attainder of divers offenders in the late moſt barbarous, monſtrous, deteſtable, and damnable treaſons.

3. An act declaratory, explaining the branch of an act authorizing certain commiſſioners of the realm of England to treat with the commiſſioners of Scotland.

4. An act for the better diſcovering and repreſſing of Popiſh recuſants.

5. An act to prevent and avoid dangers which may grow by Popiſh recuſants.

6. An act to enable his majeſty's ſubjects of England and Wales to trade freely into the dominions of Spain, Portugal, and France.

7. An act to reform the multitudes and miſdemeanors of attornies and ſolicitors at law.

8. An act to avoid unneceſſary delays of executions.

9. An act for the relief of ſuch as lawfully uſe the trade and handicraft of ſkinners.

10. An act for the rating and levying of the charges for conveying malefactors and offenders to jail.

11. An act for tranſportation of beer over the ſeas.

12. An act for the better preſervation of ſea-fiſh.

13. An act againſt the unlawful hunting and ſtealing of deer and conies.

14. An act for explanation of the ſtatute of ſewers.

15. An act for the recovering of ſmall debts, and for the relieving of poor debtors in London.

16. An act for the repealing an act made in the fourteenth year of Elizabeth's reign, concerning the length of kerſies.

Anno 1605. The friendly diſpoſition of the Engliſh towards the Dutch occaſioned ſuch a coldneſs in the Spaniſh monarch, that James had reaſon to be convinced he ſhould enjoy little reality from the glorious offers of that court. Either through indolence, or want of courage, he was ſo far from executing his part of the conditions, viz. an aſſiſtance againſt the States, that he did not prevent his ſubjects from enliſting under their banners. The Spaniard, deſpairing to rouſe the inactivity of his Engliſh ally, and reſenting the aid which the United Provinces received from his ſubjects, affected to treat him with the utmoſt contempt. Cornwallis, the Engliſh reſident at the Spaniſh court, was told that James had ſo entirely loſt the hearts of his ſubjects, that he had no influence over them, and therefore his friendſhip was of little conſequence. Several conſpirators who had been engaged in the gunpowder plot, now under the protection of the

Winwood's Memorials, vol. II. p. 131.

The Spaniards contemn James.

17. An act concerning Welſh cottons.

18. An act for the bringing-in of a freſh ſtream of running water to the north part of the city of London.

19. An act concerning the repairing and maintaining the highway leading from Kenſington to Nonſuch.

20. An act how paſſage may be made by water from London to Oxford.

21. An act to reſtrain the abuſes of players.

22. An act for the paving of Drury-lane, and the town of St. Giles's in the Fields.

23. An act for repairing of Chepſtowe-bridge.

24. An act concerning the bridge over the Severn.

25. An act containing a confirmation of four ſubſidies of four ſhillings in the pound granted to the King by the clergy.

26. An act granting three entire ſubſidies and ſix fifteenths, granted to the King by the temporality.

27. An act containing a confirmation of the King's general and free pardon, with exceptions. *Vid. Statutes at Large.*

King

King of Spain, were refuſed to be given up, and the Engliſh merchants were perſecuted by the inquiſition, on pretence of retaliation for the ſufferings of the Papiſts in England *. Notwithſtanding theſe inſults he did not forbid all hopes of alliance; and James, ſtill flattering himſelf with that fantaſtical deluſion, winked at oppreſſions which a warlike motion would have entirely put an end to. Anno 1605.

* Sir Charles Cornwallis, James's reſident in Spain, was at this time treated with inſolence and inhumanity. See the following letter from him, on this ſubject, to the lords of the privy-council.

Madrid, 9 April, 1607, O. S.

"May it pleaſe your lordſhips,

"Upon the ſixth of this preſent I received your lordſhips' of the third of the laſt month, together with a letter from his majeſty to the king here, in relief of Andrew Thibault. Yeſterday I had a meſſage from the king, that this morning about nine of the o'clock I ſhould have acceſs unto him: I obſerved that hour, but was not obſerved with; for I ſtayed till after twelve of the clock, on a little baſe form, ſuch as I think there are few in the King my maſter's ſcullery, which are not furniſhed with much better, unaccompanied and unattended (as ambaſſadors are in England) but left to walk alone, or take my ſeat on the form, when wearineſs ſhould enforce me. Yet much favored had I been if the poor form had been left me; but one of the king's chamber, either out of want of courteſy and reſpect, or of wit and good will, cauſed my form to be taken away, and carried into the next chamber; ſo as then, for the ſpace of one whole hour, I was enforced to hold me to my walk; which had been much leſs grievous unto me if either the place had been more ſpacious, or myſelf as able (as accuſtomably I am) to have endured it: but having through diſtemper, and much grief in my ſpleen, not ſlept above two hours in two nights before, which, had not his majeſty's ſervice drawn me out, would rather have moved me to have kept my bed, than give ſo long attendance upon a bare pavement in court, together with ſo long faſting, I became exceeding faint, and grieved not a little at ſo unreſpective an uſage." *Winwood's Memorials*, vol. II. p. 299.

Anno 1605. A viſit from the king of Denmark and the prince Vaudemont, another relation of the queen, helped to diſſipate the large grants which the King had received laſt ſeſſion. One continued round of magnificent ſhews and expenſive amuſements filled up the barren tranſactions of his court *.

CHAP. III.

Parliament.——Prorogation.——Affairs of Holland.——Re-meeting of parliament.——Death of the king of France.——Prorogation and diſſolution of the parliament.——Affairs of Scotland.

THE nation appeared to enjoy a perfect calm; the dazzling glitter of the court, whilſt it diſſipated reflection, confounded the ſenſe of evil with the allurement of pleaſure; and private grievances were forgot in the enjoyment of public amuſements. James, wantoning in the moſt laviſh prodigality, would have experieneed the full meaſure of happineſs, had he effected his darling plan of an union. This event he looked on as one of the moſt important advantages of his acceſſion, and an epocha which

* I find among the manuſcripts in the Britiſh Muſeum, a letter of James to the town of Shrewſbury, recommending Thomas Unton to be town-clerk. The corporation of Shrewſbury excuſed themſelves from complying with this requeſt, and petitioned to be left to the free exerciſe of their privilege by charter. Some time after this, James applied in the ſame manner to the city of Cheſter, in favor of Mr. Manwaring to be recorder; this city, in their anſwer to the King, followed the example which had been ſet them by the town of Shrewſbury. *MSS. in the Br. Muſeum*, fol. 384, number 2105.

would

would ſtrongly mark the luſtre of his reign; nor did he ever ſuſpect that his ingenuity and eloquence would be baffled in one of the moſt rational ſchemes he had ever projected, or that plebeian powers could withſtand kingly force and kingly wiſdom; beſides, the late generoſity of the Commons had taught him, that if that formidable aſſembly was difficult of conviction, they were liable to be over-reached by the low cunning of court-politics. The next ſeſſion, he hoped, would bring the affair to a favorable iſſue; and on the eighteenth of November, the day to which the parliament had been prorogued, he made a ſpeech to that effect *. Sir Francis Bacon employed all his powers to the ſame purpoſe; and, in order to ſoften the members, ſome trifling conceſſions were made on a few of the leaſt important articles in the liſt of grievances offered the laſt ſeſſions: but neither could the

Anno 1606.

Parliament.

* In this ſpeech James admoniſhes the parliament to be upon their good behaviour: He tells them, That as individuals they are ſubject to the power of their ſovereign; warns them, that their office is not perpetual, and compares the diſſolution of a parliament to the death of kings, who, after the expiration of their reigns with their lives, muſt give an account of their actions. "Beware, adds he, that ye be not like Icarus the ſon of Dædalus, who ſoared ſo near the ſun with his wings of wax, that his wax melted, and his wings failed, and down he fell; and therefore I conclude with Neptune in Virgil, *Sed motos præſtat componere fluctus.* I wiſh you would know me, and obſerve me; and if any plebeian tribunes ſhould incur any offence, or commit any ſuch errors, that ye would correct them for it, and judge yourſelves, as St. Paul ſaith, that ye be not judged; and that the whole body receive not a wound for one ill member thereof." After having aſſailed the parliament with many importunities concerning the union, he told them, that he deſired no more than what he had power of himſelf to accompliſh without them. *Journals of the Commons*, vol. I. p. 314, *& ſeq.*

Anno 1606. keenneſs of the monarch, the favor of his conceſſions, nor the eloquence of his ſervant, Sir Francis Bacon, prevail over the determined reſolution of the Commons; nor were the Lords extremely forward to ſhew that devotion which had ever been proof againſt the arguments of public good. National animoſity and perſonal jealouſy now ſo far prevailed, that, after many fruitleſs meſſages, and as fruitleſs conferences, the only point determined was an act for the utter abolition of all memory of hoſtilities between the two nations; and, for repreſſing the occaſion of diſcord for the time to come *. James, impatient at theſe delays, called together the two houſes at Whitehall †, where he labored to con-

* The Commons thought fit to gratify the King by impriſoning one of their members, Sir Chriſtopher Pigott, and diſmiſſing him from the houſe, for having inveighed with great intemperateneſs againſt the Scots, in a debate on the union. *Journals of the Commons*, vol. I. p. 335.

† In the ſpeech the King made on this occaſion, he gives a remarkable detail of the extent of his authority in the Scotch government; it is in anſwer to an objection made by the oppoſition on the different privileges claimed by the Scotch and Engliſh ſubjects. "The Scots, ſays he, in their pretence to a preſerving their own fundamental laws, only mean thoſe laws by which confuſion is avoided, and their King's ſucceſſion and monarchy maintained; not the common law as you do, for the Scots have no law but that which is *jus regis*." He boaſts, that he governs Scotland with his pen; that he does more by a clerk of the council than others could do by the ſword; that no man there dares to ſpeak diſhonorably of England, as the Engliſh have done of Scotland, for the authority of the chancellor would interrupt him. To an objection which had been ſtarted, that the king of Scotland had not a negative voice, but muſt paſs the laws agreed on by the Lords and Commons, he aſſures them, that the form of the Scotch parliament is ſo little inclined to popularity, that all bills to be exhibited on a ſeſſion muſt be approved by the King before they can be propounded to the parliament. *Parl. Hiſt.* vol. V. p. 199, *& ſeq.*

vince

vince them of the utility of the union, and the error of their proceedings; mentioned a proclamation he had made by the opinion of the judges, to naturalize thoſe Scotch ſubjects born after his acceſſion, and charges them not to diſgrace either his proclamation or his judges; who, when the parliament was done, had authority to try their lands and lives: laſtly, he warned them to think of his power, and not to tempt his patience. The important conſequences which muſt attend an incorporation of the two nations more than balanced the King's rhetoric, and deterred the parliament from attempting it at a time when his partiality, and the pretenſions of the Scots, forbade all hopes of its being done on advantageous or even equitable terms. Anno 1607.

The mortification which the diſappointment occaſioned to James was conſiderable; the conviction of his own abilities, and the flattery he had met with on his acceſſion, made him look on every attempt to be within the reach of his powers. He had gone farther in this than his prerogative could ſecure; its proving abortive would make even his Scotch ſubjects look upon his influence in England with contempt. He had mixed entreaty with threats, and had condeſcended to beg the parliament to ſave him the diſgrace of being fruſtrated: his reſentment made him conceive a contempt and averſion for theſe aſſemblies, which continued all the remaining part of his reign; nor were theſe aſſemblies more favorable in their opinion of majeſty; James's mean miſrepreſentations, his verbal aſſurances, his impotent menaces, and barren arguments, while they expoſed the ſhallowneſs of the modern Solomon, unveiled prerogative itſelf. The Commons now with curious eyes looked on

a divinity

Anno 1607. a divinity which they had been taught to worſhip blindly. On canvaſſing its pretenſions, they found them not only deſtructive to the conſtitution, but irreconcileable to every rational principle; and that the laws were weak barriers againſt its unlimited force. Among the many bitter things which had been ſaid during the late conteſt, the inconvenience of royal reſidence was ſo often hinted at, that James actually offered the parliament to ſpend his years alternately in Scotland and England, or to remove his court to York. The Commons intended to deſire him in an addreſs not to liſten to reports, but learn the ſenſe of the houſe from the ſpeaker; the King was apprized of their intention, and pacified them by a meſſage, importing, "That he was extremely tender of their privileges; and that every member might ſpeak freely, though with modeſty and diſcretion." Not being able to attain the ends for which he permitted the parliament to meet, on the fourth of July he prorogued them to the ſixteenth of November *.

Parliament prorogued.

* Acts paſſed this ſeſſion.

1. An act for the utter abolition of all memory of hoſtilities, and the dependance thereof, between England and Scotland, and for the repreſſing the occaſions of diſcord and diſorders for the time to come.

2. An act for the true making of woollen-cloth.

3. An act to give coſts to the defendant upon a nonſuit of the plaintiff.

4. An act to reſtrain the utterance of beer to alehouſe-keepers not licenſed.

5. An act for repreſſing drunkenneſs.

6. An act for repealing one branch of a ſtatute concerning tanners.

7. An act for the founding and incorporating of a free grammar-ſchool in the town of North Leech.

8. An act touching the drowned marſhes of Leſnes and Fants in the county of Kent.

9. An act to explain a former act, entitled, An act to enable

A petition was preſented to the Commons this ſeſſion on the hardſhips inflicted on the Engliſh Anno 1607.

enable all his majeſty's loving ſubjects of England and Wales to trade freely into the dominions of Spain, Portugal, and France.

10. An act for confirmation of ſome part of a charter granted to the mayor, &c. of the town of Southampton.

11. An act for the better proviſion of paſture for neceſſary maintenance of huſbandry, &c.

12. An act for the explanation of a ſtatute, entitled, An act for the bringing in of a freſh ſtream of water to the North parts of the city of London.

13. An act for the draining of certain fens and low grounds in the iſle of Ely.

14. An act for the better execution of juſtice in the North part of the kingdom of England.

15. An act that all ſuch as are to be naturalized, or reſtored in blood, ſhall receive the ſacrament, and then the oath of allegiance.

16. An act concerning the employment of money given for the binding out of apprentices.

17. An act for the due execution of divers laws concerning beggars, &c.

18. An act for eaſe in pleading ſuits proſecuted againſt juſtices, &c.

19. An act for adminiſtring the oath of allegiance and reformation to married women recuſants.

20. An act concerning the puniſhing of fraud in the woollen manufacture.

21. An act to enlarge an act concerning the keeping of milch kine, &c.

22. An act concerning the bringing of freſh ſtreams of water to Chelſea-College.

23. An act for reformation of alehouſe keepers.

24. An act concerning the preſervation of game.

25. An act to avoid the double payment of debts.

26. An act for the explanation of a ſtatute concerning game.

27. An act for reviving of part of an act concerning the horn trade.

28. An act concerning ſome manner of aſſignment of debts to his majeſty.

29. An act concerning the encouragement of poor people employed in the manufacture of coarſe cottons.

30. An act concerning the burning of Ling heath, &c.

31. An

Anno 1607. Parl. Hiſt. merchants by the Spaniards *. The miniſtry took it amiſs, that the parliament ſhould be pe-

31. An act concerning the conveyance of ſea-ſand.

32. An act for the reparation of a weare on the river Exe.

33. An act concerning the recovery of marſh grounds in the counties of Norfolk and Suffolk, overflowed by the ſea.

34. An act concerning the confirmation of degrees to be made in the Exchequer-chamber, &c.

35. An act for a confirmation of a ſubſidy granted by the clergy.

36. An act for one ſubſidy and one fifteenth granted by the temporality.

37. An act for a confirmation of the King's general and free pardon. *Vide Statutes at Large.*

* Many petitions of this ſort had been before preſented to the King without effect These hardſhips are mentioned in ſeveral letters from Sir Charles Cornwallis, the reſident in Spain, to the earl of Saliſbury. "If ſome better courſe, writes he in one of thoſe letters, be not inſtantly taken, I ſee no reaſon why his majeſty ſhould ſuffer his ſubjects to continue their traffic hither, ſo much to their loſs and peril. Occaſion to call all to new queſtion will ariſe out of the cruelty of don Luys Fyrardo to the merchants taken in the Indies; ſince in the articles there is contained no ſpecial prohibition. And ſure I am, that his majeſty will not think it for his honor to give ſo much way to the Spaniſh pride, as to conſent to deprive his ſubjects to trade thither. I make no doubt but his majeſty will not only require ſatisfaction for the lives of his ſubjects, there ſlain by Fyrardo, but for the liberty and reſtitution of goods to thoſe who remain in their gallies and other priſons. Upon this will ariſe the queſtion (and may be raiſed and now warranted with ſafety) of a trade thither by our merchants, till ſome farther concluſion be had between the two kings. That themſelves ſhall ſend any fleet to diſturb them, either this year or the next (if the Hollanders continue the courſe they have begun) I ſee little or no poſſibility; if they here want their treaſure from thence, they are neither able to maintain their wars abroad, nor themſelves at home. If their people there want their neceſſaries from hence, neceſſity will enforce them to caſt themſelves into any arms which will ſupply them by trading with them. To write all I would about this ſubject would exceed all proportion of a letter: to be ſhort, their eſtates, were they now well ſet upon, is irrevocable; this peace being

titioned on a ſubject within the particular province of the King and council; and the Lords refuſed to concur in proceeding upon it. The remainder of this year, and the following, are barren of all memorable events. Anno 1607.

The year 1609 is notable for the prevailing influence of Liberty. The republic of Holland, animated with its virtue, from ſmall beginnings had become the aſtoniſhment of mankind; and now, having vanquiſhed her tyrannical maſter in almoſt every quarter of the globe, ſhe obliged him to yield his arbitrary pretenſions, and declare her independent. The pride of Spain long ſtruggled before it would give up the point; after a tedious negotiation, a truce of twelve years was concluded, under the mediation of the kings of France and England. Henry had ſent to offer his aſſiſtance, and James was complimented with the ſame diſtinction *. Cecil, who managed the Anno 1609. Affairs of Holland.

ing an impediment to the greateſt advantage and means to enrich our King and realm that in any age hath ever been offered."

To the merchants petition on the occaſion of the wrongs they had received from the Spaniards, were ſubjoined juſt cauſes and reaſons for enabling by law the ſubjects of England, by way of letters of mart, to recover the damages they had received from this people. Theſe reaſons are founded upon the iniquitous proceedings of the Spaniſh courts of confiſcation, where the ſame perſon was commonly both judge and party, and the Engliſh were frequently put to the torture to make diſcovery. They take notice likewiſe, that it was a common practice with the Spaniards to join themſelves with the Malteſe, who were not then in friendſhip with England, and thereby entrap the Engliſh; and that, under pretence of the pope's prohibiting all commerce with infidels, the moſt valuable branches of their Levant and Turky trade had been ruined. *Winwood's Memorials*, vol. II. p. 235, & *ſeq.* *Guthrie*, vol. III. p. 664.

* James was afraid of being entirely left out of this buſineſs: He ſent ſeveral reprimands to the States for not having conſulted him concerning their intention of a treaty with Spain.

Anno 1609. part which James acted, was, on one ſide, ſhackled by his maſter's extreme fear of incurring the neceſſity of making war, his coldneſs to the Dutch, (whom he termed rebels), his cautiouſneſs of diſobliging Spain; and, on the other ſide, by the warm inclination of the Engliſh ſubjects towards the States. His conduct, influenced by theſe contrarieties, was ſo lukewarm, that the fear and jealouſy of the Dutch was much inflamed by the management practiſed with Spain, and Spain reſented the protection which the Dutch, during the courſe of the mediation, were promiſed from England *; who, though they were not

Spain. To the court of Spain he intimated, that if they had employed him as a mediator, they would not have been obliged to have condeſcended to the diſgraceful terms of yielding their claim of ſovereignty over the States. The States paid James the compliment he demanded with ſome reluctance: He had peremptorily refuſed to enter into a defenſive alliance with France for their protection, and they were well acquainted with the weak attachment which he at this time entertained for their inveterate enemies the Spaniards, *Winwood's Memorials*, vol. II.

* James was ſo mean as to make uſe of the following arguments to pacify the king of Spain. "If it be conſidered, writes Saliſbury to Cornwallis, what power his majeſty had and hath ſtill to croſs this treaty now on foot (how far onwards ſoever it may be taken to be) if he would but promiſe any underhand aſſiſtance to the States, whereunto he is often ſolicited by them, and to whom he ſhould give ſatisfaction if he would but have permitted the French king to have paid ſome money of his own debts; or if his majeſty's proceeding be but looked into, how temperately he hath carried himſelf therein more than others, becauſe he would not give the States any cauſe to inſiſt upon any exorbitant conditions in the treaty, inſomuch as (I do aſſure you) the matter is not yet brought to any final concluſion; of which his majeſty's ſlowneſs, thoſe that ſeek to draw a ſtrait obligation and dependency from the States unto them, ceaſe not to make the beſt uſe they can, comparing their readineſs with his majeſty's coldneſs. It will appear, if the audit be well caſt up, that his majeſty deſerveth better at the king of Spain's and archduke's

assisted so vigorously by this power as they ought Anno 1609.
to have been, yet to its perseverance in not aban-

duke's hands, in real and essential friendship, than he is requited; unless they would have left the king obnoxious to all the world's censure, and particularly to the States' suspicion, not only to have refused any manner of assistance openly or covertly, mediately or immediately, for the war, but to have persuaded peace and trust, and yet have refused this contract, which is of no validity, except peace be made and after broken. And for the argument itself, of the perpetual friendship, you may say that the States' peace with Spain being likewise perpetual (as it is pretended) can give no prejudice unto it, unless they will give it in surmise that they intend not to keep the same, and therefore would have us desist from any such league with the States. In which particular, as they will open themselves upon you, so his majesty will conform himself accordingly.

"Moreover, I must let you know what strange judgment the world doth make of that public reception and support given to Tyrone and others at Milan, contrary to the king of Spain's protestation, both delivered unto you, and here confirmed by his own ambassador to his majesty, That the King would not shelter them in any of his dominions; whereas now the world sees that they are publicly received, feasted, and entertained at Milan, with money given them by his public minister there: In which particular you may represent unto the King, what hazard his word and faith runneth in the opinion of others' judgment, though his majesty suspendeth his own, and what small retribution he giveth to the King our master, in those and all other his most honorable proceedings towards him.

"Lastly, if you shall hear it spoken of there, that the King our master continueth any disbursements to the States, by way of assistance unto them, under the payments which the French king doth yearly afford unto them, you may confidently affirm (for so his majesty doth take it upon his honor, and I myself know it to be true) that his majesty never assented to any such course (since his peace was concluded with Spain), but hath still protested against it to the French king and his ministers, that he would not stand to any such disbursements; so that if the French ambassador there should inform any such matter, you may publicly protest, that the king our master does utterly disavow it. True it is, that the chief financer, de Rosny, hath still gone about to urge it upon our decompts, but his majesty hath from time

Anno 1609. doning them, may be attributed the terms they

time to time diſclaimed againſt it; ſo as this is rather to be accounted a bravery of the financer's, than a matter in which the French king will truly avow him."

On James's acceſſion, there remained a debt due from the French king to the crown of England of money which had been advanced by Elizabeth. This debt Henry IV. wanted to pay on James's account, to the ſupport of the States: James always peremptorily refuſed this, on pretence that it would be a breach of his treaty with Spain.

At this period when James was thus meanly courting the good graces of the court of Spain, the earls of Tyrone and Tyrconnel, and a great number of Britiſh and Iriſh rebels, were received and maintained in the Spaniſh dominions; and they openly avowed a deſign of making an inſurrection in Ireland.

In another letter Saliſbury dilates farther on the ſubject of excuſing, to the court of Spain, James's conduct in this buſineſs. "When we underſtood, writes he, that the States (finding themſelves abandoned of their expectation for aſſiſtance in the war, were unwilling to proceed farther into the peace, unleſs they might have ſome kind of warrant and aſſurance from their neighbor princes, whereon they might rely in caſe that conditions afterwards ſhould not be kept with them) had made inſtance for a league defenſive, to be made betwixt his majeſty, the French, and them, which league ſhould have relation to the concluſion of the peace, and not otherwiſe, his majeſty ſhewed no ſuch readineſs to embrace the ſame; though, upon ſecond inſtances made in that behalf, as he had no reaſon wholly to reject this league, leſt the States might conceive that his majeſty would wholly caſt them off both in war and peace, ſo would he not alſo ſuddenly accept of it, leſt the States' mind might be raiſed thereby to ſtand upon higher conditions with Spain; but rather choſe to protract his reſolution, under pretence of other circumſtances which were depending thereon, for the reimburſement of their debt, and ſuch like; until afterwards, ſeeing, on the one ſide, the French impatient of delay to have concluded their league, and no exceptions taken at all for it from Spain or the archduke's; and, on the other ſide, finding the States continually to preſs his majeſty for his reſolution in it, profeſſing otherwiſe their unwillingneſs to proceed without it into the peace, his majeſty gave orders to his commiſſioners to go onward alſo into this league, but commanded them firſt to acquaint the archduke's commiſ-

ſioners

got from Spain, and the being acknowledged a ſovereign ſtate by all other potentates *. Ann. 1609.

The behaviour of the king of France was neither generous nor conſiſtent. In the beginning of the treaty, his offers to the States were high and warm †; but the fear of incurring the whole defence of his allies, with ſome wheedling propoſals inſinuated to him by the Spaniſh court ‡, made him ſo cold towards the end of it, that they

ſioners with it, and to impart unto them the reaſon which moved his majeſty to do it. *Winwood's Memorials*, vol. II. p. 402, & *ſeq.* 407.

* He at length concluded a ſeparate treaty with the States, by which he engaged himſelf to furniſh twenty armed veſſels, from three hundred to ſix hundred tons, to be employed againſt any power whatſoever who ſhould diſturb the intended peace with Spain, in caſe it ſhould take place. The expence of theſe auxiliaries was to be repaid within five years after the war was finiſhed.

The States General bound themſelves to aſſiſt James with the ſame number of ſhips, of the like force, four thouſand foot and three hundred cavalry. The ſame terms were ſtipulated for their repayment.

This treaty was to be perpetual; neither party was to make peace with the aggreſſor, without the conſent of the other. This league was not to be prejudicial to the defenſive one made between the States and the king of France. *Rymer*, vol. XVI. p 668.

† He ſigned a defenſive league with the States: By this treaty he was to furniſh the States with ten thouſand men, to be paid by him as long as they ſhould need them; and if a greater aſſiſtance was neceſſary, he was to furniſh it; the expence of the additional aſſiſtance was to be repaid him by the States upon the concluſion of the war. The States obliged themſelves, in caſe Henry was attacked, to furniſh him with five thouſand men, either by land or ſea, as he ſhould require, or more if there was occaſion; the expence of the additionals being defrayed as above. *Guthrie*, 1751, vol. III. p. 667.

‡ Theſe were the renewal of an offer of double marriages between the courts of France and Spain, with the giving up to France the right of ſovereignty over the Low-Countries. On this negotiation, Henry abated much of his zeal for the preſervation, or at leaſt for the honor of the States. He inſinuated,

Ann. 1609. apparently owed their ſucceſs to the cordial ſympathy of the Engliſh *.

finuated, that it would be convenient to accept of a long truce, without the ſtipulation of a direct acknowledgment from Spain of independency. His miniſter Villeroy wrote in the following ſtrain to the preſident Jeannin.

"Nous eſtimons le parti de la paix le plus ſeur & honorable, & au defaut d-icelui celui de la treve de longues années le meilleur, & voulons toujour eviter celui de la guerre, ſi l'on ne nous donne tres grand & utile ſujet d'en courre le hazard. Nous nous ſouvenous bien que vous nous aves predit que leſdits Eſtats n'accorderont jamais ladite treve que l'on ne leur quitte la ſouverainté comme par la paix: Nous deſirons comme eux qu'ils l'obtiennent, mais nous en diſeſperons, & de plus diſons, qu'il n'eſt pas raiſonnable qu'ils opiniaſtrent ce point; car ce ſeroit ſortir des terms & effets d'une treve, & devront ſe contenter d'en avoir l'effet pour le temps qu'elle durera: pour le moins jugeons nous que nous ſerions faute de mettre nos affairs en peril pour ſouſtinir une telle cauſe & opiniaſtreté." *Winwood's Memorials*, vol. II. p. 398, 429.

* The inclination of the Engliſh people to ſupport the Dutch, grounded on the principles of ſound policy, from their correſpondent intereſts in the preſervation of eccleſiaſtical and civil liberties, was proof againſt many provocations which they ſuſtained from that republic. The Dutch, from motives of an inexcuſable ſelfiſhneſs, emboldened by the puſillanimity they had obſerved in James, inſulted the Engliſh nation with impunity: They burnt their ſhips and murdered their men, for trading to the ports of Flanders; whilſt they ſuffered their own countrymen to trade there without moleſtation.

The ſentiments of the Engliſh, on the ſubject of this correſpondent intereſt, is diſſeminated in all the letters between the ſeveral miniſters who were employed in the ſtate tranſactions of this reign. Sir Henry Neville, in a correſpondence with Sir Ralph Winwood, ambaſſador at the Hague, expreſſes himſelf thus: "I am ſorry to ſee that the ſtate of thoſe provinces is ſo weak, that they are not able to ſubſiſt for any ſmall time without a peace: Againſt ſuch a neceſſity there is no diſputing; ſo whether the king of Spain aſſent to the truce in the Indies, or what miſchief ſoever be like to enſue by opening the trade to Antwerp, for any thing I ſee they muſt make a peace. I much deplore this hard condition of theirs, and hold them unworthy of ſuch an iſſue of their troubles, wherein they have acted with ſo much wiſ-

dom

The parliament, after ſeveral prorogations, Anno 1609. Parliament.

dom and fortitude; and I do as much blame all their confederates that have ſuffered ſuch virtues to miſcarry for want of their aſſiſtance. Shame be to France, who was able and would not; and woe be to us, who would and cannot.

"I am glad to find your ſtyle in this laſt letter ſomewhat altered, as I conceive, from divers of your former; for whereas in them I always found you of opinion, that of neceſſity thoſe provinces were to make a peace, and could not ſubſiſt without it; in this laſt, methinks, I diſcern ſome more comfort. For my part, I profeſs I hold their intereſt and ours ſo nearly conjoined in true reaſon of ſtate, as I do almoſt equally reſpect them, and would as willingly contribute, even beyond all proportion of my means, and co-operate as ſincerely with my voice and beſt endeavour in parliament to enable the King to yield them a real aſſiſtance, as I would for the reduction or pacifying of Ireland. And ſure I am, that the general affection of the ſubjects of England is great unto the conſervation of thoſe provinces; and that they would ſooner be drawn to yield him a contribution for that end than for any other which can be propoſed."

Mr. More, one of the ſecretaries to the earl of Saliſbury, writes thus to Sir Ralph Winwood:

"For the pretended alliances between France and Spain, it is here foreſeen that they may produce very dangerous effects, prejudicial to the reſt of Chriſtendom, but eſpecially to this ſtate. The catholic faction (we ſay) may be hereby mightily ſtrengthened, Ferdinand of Gratz' pretenſions advanced, and the States enforced to lay down their arms, upon ſuch conditions as the French king (to the neglect and diſhonor of his majeſty) ſhall procure for them, with many other miſchievous inconvenients, which your wiſe imagination can well ſuggeſt, not my pen expreſs. We ſee a word for all theſe blows, by taking the preſent occaſion, *à pied levé*, to ſtrike cloſe hands with the States; and now whilſt their perplexed minds are charged with doubts and jealouſies of the other party's combinations, to aſſure them wholly to ourſelves, and ſo ſhould we need not to fear or envy the ſtrength and glory of the two kings. For religion being hereby reinforced, the Proteſtants of France taking heart unto them, the King would be no leſs afraid and jealous of them than heretofore he hath been of a contrary faction; and we being abſolute maſters of the ſea, might order the traffic of France at our diſcretion: And for Spain, we ſhould not only be able to make a fair attempt for both his Indies, but alſo our weſtern people, with the volunteers of

Ann. 1609. met on the 9th of February, 1609 *. The extreme neceſſities of James, which had been very inſufficiently ſupplied by an aid exacted from the knighthood of his ſon, with a loan of two hundred thouſand pounds, extorted by flattery from the city of London, urged him to this diſtaſteful remedy †.

Saliſbury ſtated the debts of the crown, and not only demanded a preſent ſupply, but ſome neceſſary means to be conſidered for the better ſupport of the royal ſtate for the time to come. He then intimated the king's intention of creating his ſon Henry prince of Wales and earl of Cheſter. Henry was a great favorite of the people, and the ſevering from the crown the prin-

other coaſt towns (together with that navy which the States could eaſily maintain upon the coaſt of Spain) would ſo infeſt their home trade, that the very traffic between Spain and Portugal would, in ſhort time, be barred, or become unfruitful. But all this diſcourſe is but wind: his majeſty a lover of peace, and having conceived I know not what opinion of the States, is miſerably poor, having not wherewith now to maintain his ordinary expence, much leſs to feed a war; which, beſides its own conſumptions, will, by the abridgment of trade, hinder the profit of cuſtoms, the beſt part of his majeſty's revenues." *Sir William Monſon's Naval Tracts. Winwood's Memorials*, vol. II. p. 398, 412, *& ſeq.*

* It appears by a letter from Mr. Chamberlain, dated from London, 13 Feb. 1609, to Sir Ralph Winwood, ambaſſador at the Hague, that ſeveral members who had acted with ſpirit in oppoſition to court meaſures, had felt the diſpleaſure of the miniſtry. The paragraph is as follows: "The parliament is likely to hold on, for young Yelverton has made his peace; and divers gentlemen, who were put out of the commiſſion for the peace for being over-buſy the laſt ſeſſion, are reſtored; and Sir Henry Withrington releaſed from his reſtraint." *Winwood's Memorials*, vol. III. p. 117.

† He made frequent viſits to the lord-mayor, accepted of the freedom of the clothworkers' company for himſelf, and the merchant-taylors' for his ſon.

cipality

cipality of Wales, which yearly brought in the large ſum of fifty thouſand pounds, was thought to be a good pretence to demand an addition to the royal revenue. In a conference between the two houſes on the demands of the King, Saliſbury enumerated the obligations, as he termed them, which his maſter had lain under to expend very enormous ſums *; and ſaid, "That ſupplying his wants was a mark of eſteem which could not be denied to a king, who was not only the wiſeſt of kings, but the very image of an angel." Theſe and many other arguments were urged, but the Commons were not ſo over-haſty in yielding to them, as to neglect the redreſs of grievances. Anno 1609.

A free enquiry into impoſitions, and concerning undertakers for executing oppreſſive licences upon the ſubject, drew from James a meſſage diſapproving their proceedings. This was delivered by the ſpeaker, who received a ſhort reprimand for bringing any meſſage to the houſe from the King, without having been previouſly ſent to him by themſelves. It was found to be againſt due order, and voted no precedent for the future. Journals of Commons, vol. I. p. 427.

Theſe incidents, and a ſpeech which the King made at Whitehall, in which he talked in the higheſt ſtrains of his prerogative, produced an addreſs from the Commons to the King, which began with this aſſertion of their privileges. "Firſt, we hold it an ancient, general, and undoubted right of parliament, to debate freely of all matters which do properly concern the ſub-

* In the liſt of theſe charges is a burleſque one, of an extraordinary attendance to protect the King's wife and children from being robbed on the road from Edinburgh to London. *Wilſon*, 1653, p. 44.

Ann. 1609. ject, and his right of ſtate; which freedom of debate being once foreclоſed, the eſſence of the liberty of parliament is withall diſſolved." The whole of this addreſs breathes the ſame ſpirit of freedom; and though James highly reſented it, his preſent exigencies obliged him not only to ſmother that reſentment, but to receive the members who brought it with ſome degree of complacency *.

Journals of Parliament, vol. I. p. 431.

An hundred thouſand pounds a-year were agreed to be given in lieu of wardſhips, tenures, and purveyorſhips, and the propoſal, by the conſent of the Lords, was delivered to the King †.

Parl. Hiſt.

* We may judge by a private letter, dated 24 May 1610, what was the opinion of the people concerning this tranſaction.

"Touching parliament matters, I know not what to write, ſeeing they have ſat fourteen weeks to ſo little purpoſe. Of late there have been ſome tempeſts raiſed about their meddling with impoſitions, which, by a meſſage from the King, they were forbidden to deal in. On the 21ſt of this preſent, he made another ſpeech to both the houſes, but ſo little to their ſatisfaction, that I hear it bred generally much diſcontent, to ſee our monarchical power and regal prerogative ſtrained ſo high, and made ſo tranſcendent every way, that if the practice ſhould follow the poſitions, we are not like to leave to our ſucceſſors that freedom we received from our forefathers, nor make an account of any thing we have, longer than they liſt who govern." *Winwood's Memorials*, vol. III. p. 175.

† The full ſenſe of the houſe of Commons on this ſubject may be ſeen in the following paragraph of a letter, dated from London, 1609, to Mr. Trumball, reſident at Bruſſels.

"I cannot entertain you with any other, nor indeed with any worthier ſubject, than with ſuch occurrences as our parliament doth produce; which doth now begin to grow very warm about thoſe important matters I mentioned in my laſt; and, according to the common opinion and hope, is like to bring forth very great alteration and reformation in the ſtate. Thoſe things which by my former I did write unto you to have been reciprocally propounded by both the houſes, were as then but *informis materia*, whereupon they were

The buſineſs appeared to be going forward, when the ſudden death of Henry of France, who was

Ann. 1609. Death of the French king.

were to work; and as they are both of a ponderous conſideration, and laborious effecting, ſo can they not (as the proverb ſays) be caſt in a mould, nor ſo eaſily be brought to paſs, as perhaps men's affections and curioſities may deſire: For it being in queſtion not only to eradicate the ſtrongeſt and moſt inveterate diſeaſes of the ſtate, but almoſt to admit new ſeeds of temperature or diſtemperature in that body, you may think with what caution, warineſs, and ſlowneſs, they will proceed in ſo important a work, and with how much labor they are like to come at the perfecting the ſame; therefore hath there been nothing done almoſt hitherto in the parliament, but only conteſting the form of their propounding and offers: For that after my lord-treaſurer (as I wrote to you by my laſt) had concluded his ſpeech, and, for an inducement and better inclining the lower houſe to the granting thoſe high and extraordinary demands which he made for a ſupply and a ſupport of the king's neceſſities and charges, beſides the two hundred thouſand pounds yearly and perpetual, which he demanded for the ſupport, he did alſo demand ſix hundred thouſand pounds for the ſupply. He promiſed them, that the King would now, to his power, give them ſatisfaction in any of thoſe grievances which they had hithertofore propounded, or had now to propound. The ſaid houſe being, on the one ſide, very deſirous, and almoſt reſolved to do any thing to obtain a redreſs of the ſaid grievances, and a ſuppreſſion of thoſe abuſes and rigorous cuſtoms wherewith they found themſelves oppreſſed, as with the matters of wardſhips, purveyors, &c. ſo on the other ſide, being very jealous of the power of the King's prerogative, whereunto ſome are of opinion theſe things are ſo adherent and affected, as that he might hereafter reſume by little and little unto himſelf the right and appropriation of the ſame; they were very much afraid to engage themſelves in any offers or promiſe of contribution to the King, before they were ſure of ſome certain and ſound retribution from him: And therefore, after my lord-treaſurer had propounded his demand of money, thoſe of the lower houſe did deſire to know what the King would retribute to them for the ſame; for the which being checked by my lord-treaſurer, as for an unreſpectful proceeding towards his majeſty, of whom they would draw the firſt proffers of conditions, afore they had ſo much as aſſured him of their wills for the ſatisfaction of their demands, there was (and this but yeſterday) a great con-

Anno 1609. murdered in his coach by the hardy aſſaſſin Ravaillac, threw a damp upon the whole affair, the King making uſe of that event to riſe on the conditions of the contract.

The King's ſon created prince of Wales. Farther proceedings alſo were ſtopt for ſome time by the pageantry attending the creation of the prince of Wales; but, to keep up a harmony between the parties, the Commons granted, on the giving up two or three impoſitions, one entire ſubſidy, one fifteenth, one tenth; and the clergy added their ſix ſhillings in the pound. This liberality was ſo far from forwarding the accompliſhment of their deſires, that though they agreed to almoſt double the ſum * which was at

tention and ſtir in the houſe about the terms and framing of that aſſurance which was required at their hands; the which at length was conceived aud delivered in this form; That the houſe had an inclination and willingneſs to give his majeſty ſatisfaction. But this anſwer was found ſo weak and brittle by the upper houſe, as not implying any determination or reſolution of theirs, as that they were put to another deliberation upon the ſame: whereupon there grew ſuch a conteſtation and diviſion in their houſe, as they were there till two of the clock in the afternoon, without being able to come to an agreement and reſolution among themſelves about the ſame. And howſoever they ſhall open themſelves in this generality, they ſeem to be reſolved not to proceed otherwiſe with the King, in the granting of his demands (at the leaſt of the ſupply) but by way of contract, and upon good aſſurance of retribution. So that you may judge, if there hath been ſo much difficulty found in the manner of the propounding, how much there is like to follow in the debating and reconciling of the matter, which is of ſo high a nature, and of ſo great conſequence, both to the King and to the ſtate. And yet it is generally expected, that without doubt there will follow ſome great and happy concluſion, both for the one and the other, before the diſſolution of the parliament." *Winwood's Memorials*, vol. III. p. 124, *&c. ſeq.*

* The parliament was urged to this by the King's borrowing another hundred thouſand pounds of the city. This ſet up a kind of oppoſition between the trading and landed intereſt

first propoſed on the terms of making ſome additions to their firſt demands, while they were in the midſt of the proceedings, a prorogation declared the effect of the precipitate grant *. The additions now deſired by the Commons were, That in caſe of outlawries and attainders, the debts of the delinquents ſhould be firſt paid; that it might be lawful to arreſt the King's ſervants without leave, and that no man ſhould be inforced to lend money to the King, or give a reaſon why he would not; that in caſes criminal, the party accuſed might bring in witneſſes to clear himſelf; to repeal a clauſe of a ſtatute of 34 Henry VIII. whereby the king had power to make arbitrary laws over the Welſhmen †. The

Anno 1610. Parliament prorogued.

intereſt of the nation; and the ſupplying thus the wants of the crown made the attainment of the deſired conceſſions more doubtful. The demands of the King aroſe to the immoderate ſum of three hundred thouſand pounds a-year.

* The Commons, this ſeſſion, had paſſed a bill aboliſhing impoſitions; and, in the preceding one, they had paſſed one againſt the eſtabliſhment of any eccleſiaſtical canons, without conſent of parliament. The Lords, as uſual, oppoſed themſelves to theſe limitations on prerogative, and rejected both the bills.

† The terms demanded of the King, without theſe additions, were, Firſt, that the court of wards be diſſolved, together with the dependencies: 2 Item, that the purveyance be quite taken away; and, to that end, that the authority of the Green-cloth be put down: 3 Item, that the informers be put down: 4 Item, that his majeſty ſhall claim no old debts: 5 Item, that he ſhall claim to no lands which have been ſixty years out of his poſſeſſion: 6 Item, that, contrary to the preſent uſe, all his majeſty's patents be ſtrictly interpreted againſt the King, and favorable for the ſubject: 7 Item, that leſſees be not turned out of poſſeſſion for non-payment: 8 Item, that the ſubject may be permitted to plead a general plea againſt his majeſty: 9 Item, no man to be troubled for land on defective titles, on pretence that the patent is void, or for aſſart lands, and ſuch like; 10 Item, no man to be queſtioned for land gained by the

Anno 1610. first and last of these additions were granted; but to the second, namely, that no man should be enforced to lend money, nor to give a reason why he would not, the answer returned was, "That because the Commons brought precedents from ancient times to strengthen their demands, he allowed not of any precedents drawn from the the times of usurping or decaying princes, or of people too bold and too wanton; that he desired not to govern in that common-wealth where subjects should be assured of all things, and hope for nothing: it was one thing *submittere principatum legibus*, and another thing *submittere principatum subditis*; that he would not leave to posterity such

Winwood's Memorials, vol. III. P. 193.

the sea, be it antient or new: 11 Item, no man to be questioned for old debts.

That on this contract the King be petitioned, that the four English counties may have a trial by law concerning their inheritance to the common laws of this realm, and so to be exempted from the jurisdiction of the president and council of Wales. II. That the King be bound upon demurrers to express the cause of demurrer for form, as the subject is by the statute 27 Eliz. III. That the King grant out commissions to declare the just and due fees of all the courts and officers in this realm, so far forth as they are to be paid by the subject, and they to be reduced into a book and printed. IV. That he appoint some to make a diligent survey of all the penal statutes of this realm, to the end that such as are obsolete or unprofitable may be repealed; all such as are profitable concerning one matter may be reduced into one statute, to be passed in parliament. V. The Lords to join in petition to his majesty, for recompence to be made by his majesty to all such officers of courts as are damnified by this contract in point of tenures. VI. His majesty to be likewise petitioned, that he will be pleased not to grant protections contrary to law. That the extent of every article which is decreed for the good of the Commons in this great contract with his majesty, should be expounded and explained in all cases doubtful by the house of Commons, according to their true meaning. *Parl. Hist.* vol. V. p. 252, *& seq.*

a mark

a mark of weakneſs upon his reign, and there- Ann. 1610.
fore his concluſion was, *non placit petitio, non placit exemplum* *."

The parliament was ſuffered to meet again on the 16th of October, three months after the prorogation, their laſt bounty having been already diſſipated. Both houſes ſeemed more determined than ever to reſtrain the prerogative; the Lords, ſtimulated by the recent example of prodigality, and the mortifying addition of its enriching the Scotch nobility, heartily joined with the Commons in this laudable intention. The parliament continued ſo determined, that the King, who now entertained projects of ſupplying the Exchequer without their aſſiſtance, after another prorogation, ſuddenly diſſolved them †. But before he had taken this deſperate ſtep, he ſent for thirty members of the houſe of Commons, and aſked them, "Whether they thought

Re-meeting of parliament.

Diſſolution of parliament.

* Saliſbury, who delivered this anſwer, at the ſame time informed the Commons of a conceit of the King's: That nine ſcore thouſand pounds, to which ſum they roſe upon their firſt offer, he could not accept, becauſe nine was the number of the poets, who were always beggars; eleven was the number of the apoſtles when Judas was away, and therefore might beſt be affected by his majeſty; but there was a mean number, which might accord to both, and that was ten, a ſacred number, for ſo many were God's commandments, which tend to virtue and edification. *Winwood's Memorials*, vol. III. p. 193.

† I find, by an anſwer of the King to ſome complaints which had been preſented to him, that the Commons had numbered proclamations in their liſt of grievances: He promiſes, in this anſwer, a reformation in the point of proclamations. Public regulations, ſuch as the peace of the borders, the ſafety of the ſea, and others of this nature, had been all ſettled by proclamations; and James had affected to give them the force of acts of parliament. *Parl. Hiſt.* vol. V. p. 250.

that

Anno 1610. Winwood's Memorials, vol. III. p. 235.

that he was in want?" Sir Henry Neville, from whom the anſwer was expected, firmly returned, "He believed that he was." "Then, ſaid the King, tell me, whether it belongeth to you, who are my ſubjects, to relieve me or not?" To this Sir Henry made this honeſt anſwer, "Where your expences grow by the commonwealth we are, otherwiſe not." He then put the King in mind of the large ſupplies he had received, without relief of grievances: And on being preſſed to tell what they were, he began to enumerate them ſo frankly, that one of the members took up the ſpeech, fearing that Sir Henry's integrity would endanger his perſon. The ſudden diſſolution of the parliament was not the only ſymptom, at this period, which James had ſhewn of an intention to attempt abſolute power. Cowel, a civilian, and Blackwood, a clergyman, had written two books ſubverſive of the Engliſh conſtitution. One attempted to prove, that the King was not bound to call parliaments, or to obtain their conſent to raiſe ſubſidies; the other, that the Engliſh were all ſlaves from the Norman conqueſt. Theſe books James had not only licenſed, but had had the indiſcretion to praiſe the former publicly, with many encomiums on the civil law, in preference to the common law. Both Cowel and Blackwood eſcaped the reſentment of parliament; not that the offence paſſed unnoticed, but it was dropped in the throng of their buſineſs, on the King's publiſhing a proclamation to recal the licence of the books. In a ſpeech to a committee of the houſe concerning theſe books, he compared the ſovereignty of princes to the power of the Deity; but concluded with this ſalvo, that however the ſovereignty of kings was abſolute

Parl. Hiſt. vol. V. p. 221, & ſeq.

abſolute in general, yet in particular the kings of England were reſtrained by their oath, and and the privileges of the people *. Anno 1620.

In ſpite of James's extreme paſſion for peace, he had been obliged to take part in the feuds upon the continent. The emperor had ſeized upon the poſſeſſions of the duke of Cleves, who was lately dead; the heirs implored the aſſiſtance of the Proteſtant powers. If the houſe of Auſtria had ſucceeded in their attempts upon Cleves and Juliers, the States muſt in all probability have fallen again under the ſubjection of that power, who would have hemmed them in on all ſides. The Engliſh miniſtry were ſo ſenſible of this, that they offered to the princes claimant an aſſiſtance of money, or of four thouſand men, who were then in the pay of the States-General †. Affairs of the continent.

* This extraordinary ſpeech is only preſerved in Wilſon: "The King's heart, he tells them, is in the hand of the Lord, who can create and deſtroy, make and unmake; ſo kings can give life and death, judge all, and be judged by none. They can exalt low things, and abaſe high things, making the ſubjects like men at cheſs, a pawn to take a biſhop or a knight. But that all kings, who are not tyrants, or perjured, will bind themſelves within the limits of their laws; and that thoſe who perſuade them to the contrary are vipers and peſts, both againſt them and the commonwealth. Yet, as it is blaſphemy to diſpute what God may do, ſo it is ſedition in ſubjects to diſpute what kings may do, in the height of their power."

Some have ſuppoſed this ſpeech to be made on purpoſe to heighten the ridicule on the character of the author; but hints of ſuch a ſpeech are mentioned in Winwood's Memorials, and it carries too ſtrongly the marks of the royal orator to bear ſuch a ſuppoſition. *Wilſon*, p. 46. Vol. III. p. 136, 141.

† The princes claimant were, the elector of Brandenburgh, the duke of Newburgh, the duke of Deuxponts, Charles of Auſtria (marquis of Burgaw), the elector of Saxony, the duke of Nevers, and the count of La Marck. The powers who oppoſed the Auſtrian intereſt reduced the number of the competitors to the elector of Brandenburgh

Ann. 1610. The king of France was making great preparations * for the ſame purpoſe, when he was prevented by death, not without ſome ſuſpicions of its having been procured by Spaniſh machinations. Ravaillac, the aſſaſſin, was a poor enthuſiaſtical friar, whoſe zeal for Popery had been worked up to a pitch of deſperate madneſs. The Auſtrian family were always zealous defenders of that faith. Henry was eſteemed an heretic in his heart, and was now entered into a Proteſtant league to leſſen the power of Catholic princes. The court of France was ſo far from purſuing his intended plan, that it intimated an intention of not engaging in the German war at all. The allies were obliged to have recourſe to James as their head, who entered into a league with the princes for ſix years, on the ſame terms as

denburgh and the duke of Newburgh, whoſe claims were beſt founded. The Proteſtant princes of Germany were in alliance with James, and termed themſelves the Evangelical League to ſupport the Proteſtant intereſt againſt the intrigues of the courts of Spain, Vienna, and Rome.

* Theſe preparations, as Sully pretends, were deſigned to execute a ſcheme which Henry had been projecting for ſome years. If there is truth in Sully's detail of it, it was one of the moſt romantic undertakings which knight-errantry ever ſuggeſted; the plan being no leſs vaſt, than to ſubdue the houſe of Auſtria, enlarge the bounds of the territory which the Chriſtians poſſeſſed, and afterwards to make ſuch a diviſion of it as ſhould eaſily preſerve an exact equilibrium between its powers; this to be performed by a general league, when Henry had demonſtrated to all the Chriſtian potentates the utility of his deſign. The difficulty, and even the impoſſibility, of bringing ſuch a number of intereſted ſovereigns to an uniform inclination, as alſo the diſcord which would inevitable ariſe on all occaſions during the proſecution of the plan, is an invincible obſtacle, which muſt occur to every underſtanding. Many objections lie againſt every part of it; but theſe, with the whole of the ſcheme, would be too copious a work to be inſerted here.

had

had been agreed on when France was in the alliance. Ann. 1612.

The reſolutions of the French court changed ſuddenly. They ſent a detachment of eight thouſand foot, twelve hundred horſe, and eight pieces of cannon, to the prince of Orange, who at this time had almoſt taken Juliers: it ſurrendered ſoon after. The loſs of ſo important a place obliged the emperor to lay aſide his deſigns upon this territory.

The Jeſuits, whoſe avowed principles * ſubjected them to the odium of all dark tranſactions, from the terror of the late aſſaſſination, became ſo formidable to James, that he readily complied with a requeſt of parliament to put in force the laws againſt Papiſts; and an oath of allegiance was exacted from the ſubjects in general †, both men and women.

Three ſeparate courts, the King's, the queen's, and the prince of Wales's, diſplayed the prodigality and pomp of royalty. Expence, ſhew, and revelry, were the characteriſtic of each. Whilſt this triple ſcene of laviſh riot glared in the eye of the public, the courtiers had the aſſurance to condemn with inſolence the juſt frugality of parliamentary ſupplies, and with premature triumph exulted in the diſſolution of that aſſembly. They boaſted that the King would find means by his power to ſupply his neceſſities, and

* The Jeſuits have been generally reputed the authors of Henry's aſſaſſination. They were recalled to France by the authority of this prince, and contrary to the expreſs deſire of the parliament, who remonſtrated againſt regiſtering the edict for their re-eſtabliſhment.

† The Lords had paid the King the compliment of paſſing a bill in their houſe, which inflicted exquiſite tortures upon any who attempted his life. *Winwood's Memorials*, vol. III. p. 194.

thus

Ann. 1610. thus emancipate his prerogative from thoſe derogatory reſtraints.

Affairs of Scotland.

While James dreamed of enjoying an abſolute power in England, he actually exerciſed it in ſome meaſure at this time in Scotland. In conſequence of a former prohibition, he declared the aſſembly of the clergy unlawful, proſecuted ſome of the moſt forward members for treaſon, and obtained their condemnation *. Other members he ſent for up, and queſtioned † them before his council, concerning the extent of his power. Not meeting with ſatisfactory anſwers, through the fear of the party, he made it a pretence to impriſon them; then availing himſelf of the terror of theſe proceedings, he erected a kind of High-commiſſion court in Scotland, and ſent for the archbiſhop of Glaſgow, and two other Scotch prelates, to be conſecrated by Engliſh

* This was effected by the intrigue and illegal management of the earl of Dunbar, who was ſent down to Scotland, as James's commiſſioner on this errand. He packed the jury, and, by the force of promiſes and threats, obtained a ſentence of condemnation from the judges. *Original Letters by Sir Dav. Dalrymple*, 1762, p 1, *& ſeq.*

† Theſe are the queries: Firſt, "If it be lawful to pray publicly for perſons convicted by the lawful judge, as perſons being in diſtreſs, and afflicted? Second, Whether I may not, being a Chriſtian king, by my authority royal, convocate, prorogue, and deſert, for juſt and neceſſary cauſes, known to myſelf, any aſſemblies and meetings within my dominions? Third, Whether or not may I, by my authority, call and convene before me and my council, whatſoever perſon or perſons, civil and eccleſiaſtical, for whatſoever offences committed by them, in whatſoever place in my dominions; and if I may not take cognizance of the offence, and give ſentence therein? And farther, Whether or not are all my ſubjects, being cited to anſwer before me and my council, obliged to compear and acknowledge me or them for judges in theſe offences? *Spotſwood*, fol. ed. 1677, p. 497.

biſhops,

biſhops, that the epiſcopal virtue might be preſerved by ſucceſſion in Scotland; and ſuch was his preſent authority and influence in this country, that the general aſſembly was induced to ſubmit to their viſitation. Ann. 1610.

Richard Bancroft, the great perſecutor of the Puritans, died ſoon after. He had carried his violence ſuch a length, that the number of families which determined to ſeek refuge in Virginia were numerous enough to cauſe a jealouſy of their power in that colony, and were detained in England by a proclamation. The enormities of the High-commiſſion court, that grand ſphere of regal and eccleſiaſtical tyranny, were ſtrongly urged the laſt parliament *, and ſome conceſſions demanded. All the ſatisfaction which could be obtained, was a promiſe of a better regulation, though it was well known, that there could be little hope of amendment, while the power from whence the enormities flowed, continued unreſtrained. Bancroft was ſucceeded in the archbiſhopric by George Abbot, a prelate of ſo different a mould, that his mild and laudable management ſubjected him to the hatred of the high party, and the ſuſpicion of being tainted with puritanical principles.

* A bill, which had been rejected by the Lords the two firſt ſeſſions of this parliament, again paſſed the lower houſe, and was read by the chancellor's appointment in the upper houſe. It was entitled, "An act for reſtraining the executions of canons eccleſiaſtical, not confirmed by parliament." Bancroft adviſed the King to prevent ſuch a bill from coming to a vote; as the argument urged for it would call in queſtion the King's ſupremacy. To this, therefore, among other cauſes, may be attributed the ſudden diſſolution of the parliament. The prelate accompanied this advice with a ſubſidy extraordinary granted by the clergy. *Original Letters by Sir David Dalrymple*, p. 12.

Anni 1610. James, who idolized his imagined powers of controverſy, ſet a deſign this year on foot to erect a college for the improvement of that kind of learning; he gave towards it all the timber requiſite for the building, and obtained an act of parliament to enable the truſtees to dig a trench out of the river Lea, to erect water-works to ſupply the city of London with water. A brief was given in their favor to collect money from all the pariſhes in England. Large contributions were made by many of the clergy. James himſelf laid the firſt ſtone of the building, and Bancroft was zealous in the cauſe. Notwithſtanding theſe primary encouragements, it fell afterwards to nothing, through a jealouſy of the people, that it would prove a ſeminary ſubſervient to the purpoſes of the court, and, inſtead of improving and enlightening, vitiate the morals and darken the opinions of its pupils.

CHAP. IV.

Riſe of Somerſet.——Death of prince Henry.——Marriage of the princeſs Elizabeth.——Origin of baronets.——Parliament.——Diſſolution of the parliament.——Overbury's murder.——Riſe of George Villiers.——Fall of Somerſet.

Anno 1611. OF the peculiar qualities and foibles which the character of James had diſplayed in various lights to his Engliſh ſubjects, one of the moſt ſtriking remained yet in obſcurity; but an incident, partly deſigned, and partly accidental, exhibited an affection as violent as it was extraordinary. James, though of a very partial diſpoſition, had hitherto extended his favors almoſt equally

equally to all who were connected with him, by an intimate attendance on his perſon, or in the way of buſineſs. Ann. 1611.

The Scots, who, from a long acquaintance, had a thorough knowledge of his failings, knew that he could not always reſtrain himſelf from enjoying the pleaſure of a favorite, and had often attempted to recomend one of their own nation. The Lord Hays at length ſucceeded: Robert Carr, a youth of a beautiful perſon and graceful air, by the means of this nobleman, preſented the ſhield to the King at a tilting. In performing his office, his horſe ſtarted, and threw him; the fall broke his leg; extraordinary emotions of compaſſion ſeized the King; the lamed youth was, by his directions, carried into his own palace, attended conſtantly by his own phyſicians, and he viſited him often during the courſe of his confinement. From this beginning ſprang ſuch an ardent affection, and current of favor, that on his recovery he was made a knight, and gentleman of the bed-chamber. The treaſurer's ſtaff of Scotland, the title of viſcount Rocheſter, privy-counſellor, and knight of the garter, followed in a quick ſucceſſion; and through this channel flowed all preferments. Riſe of Robert Carr.

The whole buſineſs of the miniſtry at this time was the forming projects to bring in requiſite ſums to ſupport the King's extravagance. A parcel of crown-lands were ſet up to ſale, but met with no buyers, from the precarioufneſs of their tenure. The city of London was tried to no purpoſe for a farther loan *. Then reſuming Projects to raiſe money.

* The King's vain endeavors to get money by the way of loan, appears by the following letter from Mr. More to Sir Ralph Winwood.

Ann. 1612. the crown-lands laviſhly granted, pawning the jewels, ſeizing (on various pretences) the effects of foreign merchants, engroſſing the trade of certain commodities, the bringing in *quo warrantos* againſt corporations and companies, to oblige them to ſue forth the renewal of their writs, were all propoſed *; but they were rejected, as either incurring danger, or interfering with the intereſt of the favorites. The raiſing the farms of the revenue, ſelling the foreſt woods, a benevolence, monopolies, extorting money for knighthood, and the circulating the privy-ſeals all over England, for the ſum of two hundred thouſand pounds †, were the only ones ventured on.

" A few days ſince, thirteen of the beſt-monied men of this city, to whom his majeſty is in debt, were ſent for to Whitehall; where my lord-treaſurer told them, their intereſt ſhould be readily paid them; and prayed them to forbear their principal for a while longer, and withal to lend what more they could furniſh, upon good ſecurity. But they could not be induced to any farther loan, nor very willingly to forbear that which is already out of their hands, any longer than needs they muſt. Since, ſome of the Exchequer-officers have been dealing with divers citizens in particular, to lend upon private ſecurity, but their motions had very ſmall effects. Here is now four thouſand pounds more of crown-lands ſet to ſale; but I ſee no undertakers ready to entertain the bargain upon ſo ſhort days payment as are required; ſo think my lord will be in ſome pain even to furniſh the expence of the approaching feaſt." *Winwood*, vol. III. p. 239.

* Among the projectors for encreaſing the revenues of the crown without the aſſiſtance or concurrence of parliament, Sir Francis Bacon was the moſt forward. He ſeems to be certain of the infallibility of a ſcheme he had formed for this purpoſe, and tells James in a letter on the occaſion, " That if any of the particulars fail, it would be rather from want of workmanſhip of thoſe who ſhould deal in them, than want of materials in the things themſelves." *Cabala*, fol. 1663, p. 28.

† " The reſolution is now taken to ſend forth the privy-ſeals, and that in ſo great a number and meaſure as to draw

two

The Spaniſh match, that mine from whence the King expected to ſupply all his wants, and from the hope of which he had diſſolved the parliament, was now entirely at an end, the Engliſh ambaſſador having at this time received a direct refuſal of the promiſed alliance. This refuſal, which James little expected, was given with the inſulting addition of an offer of the youngeſt daughter on the ſame ſlippery foundation, which had ſo cruelly deceived his expectation. A double alliance between the courts of France and Spain, which was now thought of, and ſoon after concluded, obliged the Spaniard to diſcover the inſincerity of his intention. Anno 1624.

Neither the pleaſures, the vexations, nor the buſineſs of his ſtation, prevented James from interfering in ſpeculative points, and expoſing his pedantry to all Europe. Four years before this he had written a treatiſe * againſt the pope's pre-

two hundred thouſand pounds, if they ſhall be accepted, whereof it is doubted ſome difficulty will be made. My lord-treaſurer is to deal with this city, Middleſex, Hertfordſhire, and with the officers of the court of Wards; and every judge with ſuch officers and principal pleaders as have relation unto them: Wales ſhall be exempted, but no ſhire of England. I ſend your lordſhip herewith a copy of the privy-ſeal. In the minute of his majeſty's letter to the lieutenants of the ſhires, I find theſe points to be obſerved: That his majeſty declareth never to have had more need than now; that though he cannot wholly forbear thoſe who lent the laſt loan, yet they ſhall not be charged with ſo much as before by a third part; that the nobility are not to be recherched, neither yet the clergy, who for their temporal livings ſhall be dealt with by their metropolitans, and as for their ſpiritual livings, they are much leſs than his majeſty could wiſh them." Mr. More to Sir Ralph Winwood. *Winwood*, vol. III. p. 301.

* Cardinal Bellarmine, in an anſwer to this treatiſe, charges James with having written from Scotland a letter to pope Clement VIII. recommending the biſhop of Vaiſſon to a cardinal's cap, that he might manage his affairs at the

Anno 1612. tenſions of power over temporal princes, and had ordered his ambaſſadors to preſent it at their ſeveral courts *. This year Conradus Vorſtius, divinity profeſſor at Leyden, had publiſhed a book in Holland on Armenian principles, and contrary to the common received tenets of free-will and predeſtination. James was ſo inflamed at the hereſy †, that after having commented on the

court of Rome. James denied the fact, and the lord Balmerino, his ſecretary, had the compliance in a public trial to take it upon himſelf, and confeſs he had ſurreptitiouſly procured his hand to ſuch a letter. On theſe ſuperficial grounds, James obtained from his ſubjects a degree of confidence which helped to introduce epiſcopacy in Scotland.

* This treatiſe was called "A Premonition to all Chriſtian Princes." Wooton, the ambaſſador at Venice, had ſome aſſurances, that if he preſented this book to that ſtate at his firſt audience, it would be very well received, the republic of Venice being then at variance with the pope. Wooton had ſuch poſitive orders to preſent it on St. James's day, that he could not comply with the advice. Before St. James's day came, the difference was made up, and the anſwer which the ambaſſador received was, that the republic of Venice thanked the King of England for his good will, but that they were now reconciled to the pope, and therefore were reſolved not to admit of any change in their religion, according to their agreement with the court of Rome.

We learn from Wilſon, that in the heat of the plague at London, the ceremony of James's coronation was performed on the day dedicated to St. James. *Welwood's Memoirs*, 1700, p. 35, *& ſeq.* *Wilſon*, p. 5.

† James's quarrel with Vorſtius was a perſonal one; he took offence at the ironical manner in which he is treated in a work of this author. Barnevelt, the republican, patronized Vorſtius, and prince Maurice oppoſed him: this circumſtance perhaps increaſed the monarch's warmth. Saliſbury expatiates on his maſter's zeal in theſe terms: "Almighty God (writes he) doth know the zeal which ſtirreth the King againſt that man (Vorſtius) ſo kindles in him upon every accident of diſcourſe, as we have all reaſon to bleſs God in making us ſubjects to a king, who, without mixture of glory or private deſign, taketh ſo much to heart the injury which is done to the Bleſſed Trinity." *Winwood*, vol. III. p. 316.

moſt

moſt offenſive paſſages in the book, he ſent an expreſs injunction to the States to diſcharge and puniſh that blaſphemous monſter, as he called him *. The States paid ſo little regard to his opinion or commands, that Vorſtius was acquitted with honor, and continued in his profeſſorſhip. This drew from Winwood, James's ambaſſador at the Hague, ſo threatening a proteſt †, that it terrified his maſter, leſt it ſhould draw him into the inconveniencies of a war, and ſo cooled his reſentment, that he made an excuſe to Sir Anno 1612

* James makes uſe of the following curious argument to the States, for the propriety of their perſecuting Vorſtius on a matter of faith:

"Finalement, ſa majeſtie vous exhorte puiſque vous avez prix les armes pour la liberte de vos conſcience, & ayes tant pati par la continuation d'une guerre violente & ſanguinaire l'eſpace de quarante années pour la profeſſion de l'Evangile, eſtants venüe au deſſus de vos miſeres, de ne permettre pas, que les diſciples d'Arminius fondent ſur l'exemple de vos actions, la mauvaiſe doctrine qu'ils trompetent au monde *de apoſtaſia ſanctorum.*" Sir Ralph Winwood's ſecond remonſtrance in the aſſembly of the States-General concerning Vorſtius. *Winwood's*, vol. III. p. 304, *& ſeq.*

† Sir Ralph Winwood's proteſtation in the aſſembly of the States-General concerning Vorſtius, 9 Dec. 1611, O. S.

"De ces enormes indignitéz commiſes contre l'egliſe de Dieu, & ſa perſonne, en preferant la preſence de Vorſtius devant ſon amitie & alliance, le roi mon maitre ſe tient obliger de ſe reſentyr ſi reparation n'en ſoit faicte, & ce au plutoſt; ce que ne peut pas etre que par la renvoy de Vorſtius. Par les manifeſtes qu'il faira imprimer & publier au monde, il fera paroiſtre de qu'elle haine il deteſte les athieſmes & hereſies de Vorſtius, & tous ceux qui les maintiennent, favoriſent, & fomentent.

"C'eſt ma charge: Vous y penſera s'il vous plaiſt; & croyrez, que l'amitie & alliance du roi de la Grande Bretagne, & les atheiſmes & hereſies de Conradus Vorſtius ne ſont nullement compatible. Il depend de vos jugement d'en faire choix; l'enceinte des Provinces Unies ne pourront pas comprendre toutes deux." *Winwood*, vol. III. p. 310.

Anno 1612. Noel Carron, the States' ambaſſador, for the petulance of Winwood *, diſclaimed the intention of carrying the affair ſo high, and deſcended at laſt to offer to be contented with the removal of Vorſtius out of Leyden, though the States ſhould entertain him at their own expence in any other town in their dominions. James had been ſo ſevere in his proteſtations againſt Vorſtius, that he had thrown out inſinuations that his crime deſerved the utmoſt rigor of ſecular puniſhment.

Two men burnt for hereſy. Edward Wightman, and Bartholomew Legate, were actually burnt in England by his warrant, after having been convicted of erroneous doctrine, and canonically condemned by Neal biſhop of Coventry, and King biſhop of London †.

Death of prince Henry. This year died Henry, prince of Wales, a youth of ſo forward a carriage, that he was thought to have become diſagreeable to his father, though he was naturally inclined to an indulgent fondneſs for his family, and had ſhewn great marks of parental affection for this ſon. The Engliſh, who were extremely fond of the prince of Wales, from ſome popular ſentiments he had highly declared, fancied they had received a great loſs in his premature death; but in all probability the crown was more affected in this reſpect than the people. A martial monarch is always dangerous to the liberties of a commonwealth. Henry much affected that reputation; and this, with other ſuperficial princely virtues, which draw on the eſteem of the injudicious populace, would have been great impe-

* James had ſome intention of writing to juſtify himſelf on this point, and to throw the whole blame of the proceeding on his ſervant Winwood. *Winwood*, vol. III. p. 332.

† One of theſe unhappy people was lunatic at the time of his condemnation.

diments

diments to the enlarged plan of Liberty which took place in the ſucceeding reign. The people were undoubtedly inclined to favor him, from his avowed contrariety to his father, who at preſent had incurred ſo much popular odium, as to be, in the opinion of many of his ſubjects, acceſſary to his ſon's death. Anno 1612.

Henry's deceaſe was followed by the marriage of the princeſs Elizabeth to the Elector Palatine. It was celebrated with the uſual parade of the court *. The only remarkable thing immediately attending it, was the abſurd obſervation of that ſuperſtitious age: Elizabeth, during the courſe of the ceremony, was elated with a joy which burſt out into geſtures which bordered upon laughter: this was reckoned the foreboding of her future misfortunes; as if a natural cauſe for theſe expreſſions of gladneſs could not have been properly aſcribed to a virgin of fifteen, who was marrying a lover ſhe liked, and on the point of being miſtreſs of a court. Marriage of the princeſs Elizabeth.

The recent fate of Arabella Stewart was a very contrary one to that of her kinſwoman Elizabeth. James, to whom ſhe was couſin-german, had ſeized on her poſſeſſions, and reduced her to a penſion. The unhappy maiden, tired of this dependant ſtate, and urged by youthful inclination, entered into an intrigue with Seymour, grandſon to the earl of Hertford, whom, notwithſtanding ſeveral reprimands from the high powers, ſhe privately married. Both the delinquents were ſeized on, but they made their eſcape, one on board The fate of Arabella Stewart.

* The expence of the nuptials amounted to fifty thouſand pounds. This princeſs's portion was forty thouſand pounds, to be paid in two years; her jointure was ten thouſand pounds a-year; and her pin-money one thouſand five hundred pounds. *Rymer*, vol. XVI. p. 733.

of

Anno 1612. of a French bark, the other on board of a Newcaſtle collier. The unhappy Arabella was retaken, and conveyed to the Tower. The fatigue ſhe had undergone, the ſeverity of her treatment, and the keenneſs of her diſappointment, had ſo fatal an effect upon her tender conſtitution, that ſhe immediately loſt her ſenſes, and ſoon after her life. Her huſband did not venture to return to his country till after her death. The jealouſy which the nearneſs of Arabella's conſanguinity occaſioned to the crown, was the undoubted, nay the avowed, cauſe of her melancholy fate *.

The reſentment which the Engliſh in general conceived againſt the preſent inſolence of the Scots †, required ſome ſacrifice: The lord Sanquir, a Scotch peer, who was in no particular favor at court, and had been condemned for the murder of a fencing-maſter, was for this reaſon hanged, without heſitation.

Death of Saliſbury.

Among the loſſes which James ſuſtained this year, the earl of Saliſbury's death was not the leaſt conſiderable. This miniſter was a careful ſervant, and, if the intereſt of the crown is to be

* On the firſt news of the flight of this unhappy pair, letters had been diſpatched to the king and queen of France and to the archduke, requiring them to deliver them up, if they ſhould land on their territories. The counteſs of Shrewſbury, who had given her aſſiſtance towards the match, was confined in the Tower; and the earl her huſband to his own houſe. Sir Francis Bacon diſplayed his genius in aggravating the ſuppoſed crimes of all who were concerned in this trivial matter.

† Many duels were fought between the individuals of the two nations. One of the Scotch court-domeſtics had offered a groſs affront to a bencher at Gray's Inn. Another had beaten Philip Herbert, younger brother to the earl of Pembroke, who was rewarded with a peerage for his puſillanimity in not reſenting the affront.

conſidered

considered in contradiſtinction to that of the people, a faithful one; his abilities as a ſtateſman were not deſpicable; his qualities as a courtier were fawning and pernicious, but they are too common to that ſtation to be worthy any farther remark. He was ſucceeded in his miniſtry by the earl of Suffolk and the favorite Rocheſter, both men of mean capacities. The latter was ſoon after created earl of Somerſet, and enjoyed ſo much of James's affection, that he ſaid openly in his council, that he took more delight in Rocheſter's company than in any man's living. Ann. 1622.

The difficulty of raiſing money ſtill increaſing, a project which had been formed by Saliſbury was now carried into execution *. An hereditary rank, which ſhould take place after a baron's youngeſt ſon, and dignified by the title of Baronet, was purchaſed from the crown, at the price a thouſand pounds †. An inferior order to them, with the title of Knights of Nova Scotia, at the price of three hundred pounds. The dignities of baron, viſcount, and earl, were fixed reſpectively at ten, fifteen, and twenty thouſand pounds. Origin of baronets.

* A commiſſion was given to Sir Julius Cæſar, Sir Thomas Parry, Sir Francis Bacon, Baron Sotherton, Sir George Cary, Sir George Moore, Sir Walter Cope, and others, to deviſe and project the beſt means to get money.

At this time, James made offer of a large parcel of plate, pawned to queen Elizabeth by the States-General, in 1587, and belonging to the houſe of Burgundy, to be redeemed; threatening, that if it was not, he would melt it down. *Winwood*, vol. III. p. 385, *& ſeq.*

† Each knight was to maintain thirty foot-ſoldiers in Ireland for three years, at the rate of eight-pence a-day, and to pay the wages of one year, upon paſſing the patent. The whole ſum which was raiſed upon theſe baroners was one thouſand ninety-five pounds, as a compoſition for their maintaining the ſoldiers in Ulſter. *Baker's Chronicle*, 1679, p. 416. *Guthrie*, vol. III, p. 704.

The

Anno 1613. The Star-chamber alſo took every pretext to condemn to exceſſive fines, for the King's uſe, thoſe who were cited before them.

Ireland had, in this reign, been totally ſubjected to the juriſdiction of England. James granted to the city of London the liberty of planting a colony in Ulſter: and this year the civil government of the plantation was new regulated, and Londonderry and Coleraine fortified. The abſurd cuſtom of duelling had been imported into this country from France; there it had taken its riſe and growth, under that romantic prince, Henry the Fourth: He had in ſome reſpect been the occaſion of the ignominious fate of the lord Sanquir, by aſking him, with an air which was conſtrued by the unhappy nobleman ſignificant, "Whether the fencing-maſter (whom he afterwards on this hint murdered, and who had put out his eye in a fencing-bout) was yet alive?"

Four able men were at this time at the head of the law: Sir Edward Coke, Sir Henry Hobart, Sir Francis Bacon, and Sir Henry Yelverton. This laſt had diſtinguiſhed himſelf very eminently in an oppoſition to the large grant which was given to the crown in the third ſeſſion of parliament. Sir Francis Bacon, on his entering into the office of ſolicitor-general, proſecuted Prieſt and Wright, two duelliſts; he made a ſpeech in the Star chamber on the occaſion, which was much admired; but the objects were of too mean condition to ſtrike an important example. Duelling was not the only flagrant diſorder which had crept into the commonwealth: The exceſſive love of pleaſure which poſſeſſed the court infected all ranks of men: every night produced maſks, in which people of fortune engaged; idleneſs,

idleneſs, expence, and pleaſure, took place of induſtry, frugality, ſimplicity, and learning. Nor was the evil partially extended: Spacious buildings were erected for exhibiting theatrical performances * to the multitude; and theſe ſhews, which carry in them a poiſon ſubverſive of the virtues on which the welfare of large ſocieties is founded, became the idols of the people. Anno 1613.

The filial piety of James, which had lain long dormant, now for the firſt time exerted itſelf to action. The body of Mary, queen of Scots, was removed at his expence from Peterborough to Weſtminſter, and a tomb with many pompous inſcriptions erected. The body of Mary queen of Scots removed.

Among the regulations enacted this year in the councils of Scotland, the following one carries with it too much of the diſpoſition and turn of thinking of the monarch to be omitted: The counſellors, to keep their perſons and places in great reſpect, were commanded to ride in the ſtreets, either with foot-cloths or in coaches, but never to be ſeen on foot. Spotſwood.

The court, notwithſtanding the large ſums it had exacted on various pretences, was at length driven into the neceſſity of parliamentary reſources. A public lottery, the firſt of its kind in England, afforded a ſmall delay; but the invention of the miniſtry being drained as empty as the Exchequer, a parliament was called for the fifth of April, 1614. It may be remembered, that the Parliament. Anno 1614.

* Theſe were deſtructive to the religious ſentiments as well as the morals of the vulgar. A ſtatute was enacted in the third year of James's reign, for preventing and avoiding the great abuſe of the holy name of God in ſtage-plays, interludes, may-games, ſhews, and ſuch-like. *Vide Statutes at Large.*

laſt

Ann. 1614. laſt parliament had been a very refractory one: The preſent miniſtry flattered their maſter, from the boaſted management of elections, that a contrary ſpirit would certainly prevail in this. It was from ſuch aſſurances that James aſſented to the trial, and aſſumed ſo much as to demand contribution without bargain; and to declare he would rather loſe his life, than the honors and flowers of his crown *. The firſt buſineſs which the parliament entered on, was the ſettlement of the ſucceſſion on the iſſue of Elizabeth, in default of the male line †. After this, both houſes were ſummoned into the royal preſence at the Banqueting-houſe at Whitehall; where the mo-

Parl. Hiſt. narch, after ſome excuſes and proteſtations up-

* The following, which is the exordium to the ſpeech he made at the opening of the ſeſſion, is in too peculiar a ſtyle to be omitted by an hiſtorian.

"It is the ſayeing of the wyſeſte king that evere was, that the harte of kings weare inſcrutable; but in the laſt parliament, I muſte calle to your remembrance the comparriſone I uſed, whearin I preſented myſelfe unto you as a mirrore, whearin you mighte cleerlye ſee the integretye of my purpos for lenghteninge that parliament for the generrall good and beneſyte of the commonwelthe; but as I then ſayd of the nature of a mirrore, that it mighte be deffyled by the eyes of the beholderes, ſo did ſome of the lowere houſe looke upon me with poluted eyes, and, as I may ſaye, deffyled my mirrore. I canne ſay no more nowe than I did then, but to offere you the ſame mirrore, to look to, proteſtyng, as I ſhall anſwere it to Almyghty God, that my integretye is like the whitneſs of my roabe, my purety like the mettle of golde in my crown, my firmneſs and clearneſs like the preſious ſtones I weare, and my affectyones naturalle, like the redneſs of my harte." *Parl. Hiſt.* vol. V. p. 273.

† This ſettlement, which was in conſequence of a demand of the King, and the recognition bill in the beginning of his reign, are two of the remarkable inſtances which ſhew that the hereditary ſucceſſion to the crown of England is not abſolute; and that ſuch a monarchical claim is founded on the neglect of aſſerting the right of aſſent, and not on any clearly-proved principles in the conſtitution.

on

on the abuſes of the government, recommended to them, with earneſtneſs, concord with the crown, and unanimity in granting a ſupply *. Notwithſtanding the cautious endeavors of the miniſtry, it quickly appeared that the members were not of the proper ſtamp to ſerve the court purpoſes. The oppoſition carried a motion againſt the attorney-general's ſerving as a member of the houſe of Commons. In the debates on this ſubject, Sir Roger Owen ſhewed, that no attorney-general was ever choſen; nor, anciently, any privy-counſellor; nor any who took livery of the King. The precedent he quoted for this was in the ſeventh year of Richard II. when a knight banneret was rejected on this account. It was reſolved on the queſtion, that the attorney-general ſhould remain in the houſe for this parliament, but that he ſhould never ſerve for the future. James had condeſcended to ſolicit the houſe, that the attorney-general might keep his ſeat this parliament. The courtiers exhauſted their arguments for a ſpeedy ſupply; but it was determined that a redreſs of grievances ſhould precede it. Committees were appointed for preparing liſts of all the national complaints. The indulgence to the Papiſts, and ſevere treatment of the non-conformiſts, were vehemently complained of. A bill Ann. 1614.

* The arguments he made uſe of for this purpoſe were as follow: "That as the laſte parliamente begane with trouble and contenſhone, and ended ſo, ſo this maye begine with alacritye and love, and conclude ſo lykewiſe; whaer ſafty ſhall be abroade, and love at home, and all aſperſhones and rumores of diſcontente betweene me and my people ſhall be taken awaye, and wee maye ſynge togethere, *Ecce! quam bonum & jucundum.* And when you ſhall retwrne to your contraye, you ſhall have prayſes, and be approved in the choyſe made of you, that you have given contente to your King." *Parl. Hiſt.* vol. V. p. 285.

was

Ann. 1614. was prepared for preventing taxes and impoſitions on merchants, and the debate on it proceeded with becoming warmth. In a queſtion, whether the King had a right of impoſing taxes, it was unanimouſly carried in the negative; notwithſtanding the corruption of the judges had given it againſt the people. Certain patentees for monopolies were ordered to ſurrender their patents. Sir Thomas Parry, one of the creatures of the court, who had been the moſt buſy in managing elections, was expelled the houſe *. The King had ſent to deſire that Sir Thomas's puniſhment might be left to him, with a promiſe that it ſhould be more ſevere than the Commons themſelves would inflict. This requeſt was not granted. Orders were iſſued for the officers of peace for London and Middleſex to bring in the letters they had received in favor of Popiſh recuſants.

Debates. Journals, vol. I. p. 493.

In a renewed debate concerning impoſitions, Sir Henry Wootton (who had been employed as ambaſſador to Venice) and Winwood (the preſent ſecretary of ſtate) attempted to prove, that all hereditary princes had a right to impoſe taxes, though elective ones had not; and inſtanced the princes of Germany and Italy, with the kings of France and Spain: particularly Henry IV. raiſing fourteen million eight hundred thouſand livres, by an impoſition on ſalt only. Theſe abſurd compariſons between princes whoſe powers and prerogatives were different, according to the different limitations of their reſpective governments, were ridiculed by the houſe. Sir Roger Owen advanced, "That the impoſition laid

* Warm arguments were urged againſt this buſineſs of undertaking. Sir Roger Owen aſſerted, that it was one of the articles for depoſing Richard II.

by

by the French king was an uſurpation, and contrary to the fundamental laws of France; that the dukedoms of Florence and Milan were mere tyrannies." Sir Thomas Roe, "That if the kings of Spain had ſuch a power, they had received it from the cortes, or parliaments." Sir Edwyn Sandys obſerved, "That the courtiers' arguments made againſt themſelves, ſince the French king had raiſed ſo immenſe a ſum on his ſubjects from ſuch an aſſumed power; that the kings of France, and the reſt of the impoſing princes, do alſo make laws, which in a ſhort time will bring all things to a tyrannical courſe and confuſion, both to prince and people: witneſs the death of the laſt great impoſing prince." In anſwer to the diſtinction between an elective and an hereditary prince, he maintained, "That all kings were originally elected, except ſuch as came in by the ſword; whom, for that reaſon, it was lawful to expel by the ſword, whenever the people had the power to do it *." A de- Anno 1614.

* Sir Edwyn Sandys had expreſſed his reſentment of this uſurpation with great vigor and ſpirit, when the ſubject of impoſitions was firſt argued in the houſe.

"Some other princes, he ſaid, had impoſed, but never claimed, any right; now, the King had claimed it in open parliament: they upon four or five; this King upon ſo many hundreds: they but for a few months, and, at the prayer of the Commons in parliament, put down; here made perpetual by letters patent. That this liberty of impoſing trenches on the foundation of all our intereſts, maketh us bondmen, giveth uſe but no propriety; the King may by the ſame reaſons make laws without parliaments."

It appears by the Journals, that James, after obtaining the judgment of the Exchequer, had publiſhed certain ſettled arbitrary rates and impoſts upon goods, for himſelf and his heirs for ever. The Commons ſaid, that this was ſtrange, becauſe no proclamation bound longer than the King's life; that the judgment in the Exchequer was erroneous and unconſtitutional

Anno 1614. mand was made for a conference with the Lords* concerning a remonſtrance againſt the King's impoſing taxes without the conſent of parliament; and the Commons diſplayed an admirable ſkill, aptneſs, and judgment, in drawing up the heads on which they were to proceed. The Lords ſhewed themſelves extremely jealous of ſo ſpirited an exertion, and refuſed their conſent to a conference. This brought on a complaint againſt Richard Neile †, biſhop of Lincoln, who, in an advice to the Lords not to agree with the requeſt of the Commons, had affirmed, the matter on which the conference was deſired ſtruck not only at the branch, but at the root of the prerogative; that it was contrary to the oaths of allegiance to confer on it; and that he doubted not but there would proceed ſome undutiful and ſeditious ſpeeches from the committees of that houſe, which it would be unfit for them to hear,

conſtitutional; and that the matter was above all judgment, but that of parliament. *Journals*, vol. I. p. 472, 481, & *ſeq.*

* Sir Roger Owen, who was appointed to open the conference, was directed to make the following obſervation: That the King, in anſwer to the laſt petition of the Commons on this head, had referred them to the law of the land, and yet in the mean time proceeded to multiply impoſitions. *Journals of the Commons*, vol. I. p. 481.

† The following is an anecdote which will ſerve to illuſtrate the character of this prelate.

Niele, biſhop of Lincoln, and Andrews, biſhop of Wincheſter, being at dinner with the King in public, James in this ſituation had the imprudence to propoſe aloud this queſtion, "Whether he might not take his ſubjects' money without conſent of parliament?" The ſycophant Neile replied, "God forbid you ſhould not, for you are the breath of our noſtrils." Andrews declined anſwering, and ſaid, "He was not ſkilled in parliamentary caſes." On the King's urging him, he replied pleaſantly, "I think your majeſty has an undoubted right to my brother Niele's money." *Life of Andrews, Biſhop of Wincheſter.*

Many

Many expoſtulations paſſed between the two houſes on this ſubject*: The Commons refuſed to proceed on any buſineſs till they had received full ſatisfaction, which occaſioned an angry meſſage from the King, threatening to diſſolve them if they did not proceed on the buſineſs of ſupply†. Papers of arbitrary projects to govern without parliaments were every night flung about the ſtreets. Neither did theſe covered or open threats deter the commons from keeping firm to their reſolution. The King finding that it was Anno 1614.

* In the debates of the lower houſe, it was propoſed to paſs a bill to ſeize his biſhopric for ſeven years towards a ſupply. Many members teſtified their concern that the King ſhould be beſet with ſuch paraſites. Mr. Alford was for carrying their complaint to the King. Sir Jerome Horſey ſaid, That they had had continual interruption all this parliament; that this bone amongſt the reſt was thrown in by a devil, if a biſhop might be a devil; he wiſhed a ſelect committee might be nominated to conſider of an immediate meſſage to the King. Sir Edwyn Sandys juſtly obſerved, That to go immediately to the King would wrong the liberties of the upper houſe. The Commons were determined by the judicious arguments urged by this member. It was ordered, on the queſtion, that there ſhould be a ceſſation of all buſineſs, but proceedings on the biſhop of Lincoln, till an anſwer ſhould come from the Lords concerning that matter. The next day the houſe received an admonitory letter from the King, to deſiſt from their reſolution. They were on the point of coming to ſome ſevere reſolution againſt miſinformers, when Sir Thomas Lake, one of the ſecretaries of ſtate, diſcovered that the King had been ſhewn the order by the ſpeaker, who received a ſevere reprimand from the houſe, for his unparliamentary proceeding. The anger of the Commons againſt this offending prelate was heightened by James's meddling in the matter; and, though they received a ſoftening propoſal from the Lords, they adhered to their reſolution of obliging the biſhop to anſwer at the bar of the houſe of Commons. *Journals*, vol. I. p. 496, *& ſeq.*

† On an enquiry into the King's neceſſities it was found, that he was already one million two hundred thouſand pounds in debt, and that upwards of eighty-five thouſand pounds went yearly in penſions.

Anno 1614. impoſſible to obtain a ſupply, without remitting ſome of his high pretenſions, and fearing for his creatures, ſhould the parliament continue to ſit, diſſolved them on the ſeventh of June, before one ſtatute was enacted. In this parliament the oppoſition had fallen very violently upon the new-created titles, on the lottery, on the admiſſion of Papiſts to offices and honors, and on the many propoſals which had been made to marry the King's ſon to a Popiſh princeſs. Neither did the increaſing growth of luxury, which had been too ſucceſsfully propagated by the example of the court, eſcape the cenſure of the patriot members: A bill againſt gold, ſilver, gilding, &c. was brought into the houſe, and received with approbation. It was pleaded, that this ſumptuary law was conſonant to the ordinances of God and nature; that vain expence in apparel, and other kinds of ſhew, was the cauſe of the want of hoſpitality: and, to convince the houſe of the enormous height this deſpicable vice had ariſen to in that centre of extravagance and folly, the court, an example was brought of a great courtier having expended eighteen pounds a-year upon ſhoe-ſtrings. James was ſo injudicious as to wreak his vengeance on the leading members; and ſeveral of them were thrown into priſon: Thomas Wentworth, afterwards earl of Strafford, was one of theſe ſufferers *. A benevolence was

Diſſolution of parliament.

Journals of Commons.

* This member had expreſſed his diſapprobation of the meaſures of the court, in a manner improper and intemperate; he applied the two following verſes from the prophet Daniel to the late king of France and the king of England; "Then ſhall ſtand up in his eſtate a raiſer of taxes in the glory of the kingdom; but within a few days he ſhall be deſtroyed, neither in anger nor in battle. And in his eſtate ſhall ſtand up a vile perſon, to whom they ſhall not give the honor of the kingdom, but he ſhall come in peaceably, and obtain

demanded in a very arbitrary manner; but it met with ſuch a firm ſpirit of oppoſition from all ranks of men, that it anſwered very indifferently the purpoſes of the court. Anno 1614.

The king of Denmark paid his brother-in-law another viſit, and diſſipation continued ſtrongly to prevail. Whilſt this monarch was in England, a court-cabal began to threaten the fortune of the favorite Somerſet; a man who differed in no reſpect from the common herd, excepting in the degree of his vices, which had attained an enormous height from the pampering of a luxurious court. A viciouſneſs which had no balance from ſenſe, experience, or judgment, drove him into exceſſes which at length afforded his enemies a full opportunity to effect his ruin.

The lady Frances Howard, daughter to the earl of Suffolk, was one of the beauties of the court; though married while yet a child to the earl of Eſſex, ſhe now conceived a violent affection for the favorite. The charms of their perſons, the equality of their underſtandings, the ſameneſs of their vices, ſoon produced a reciprocal paſſion, which they indulged without reſerve. The earl of Eſſex was yet on his travels, but returned ſoon after the commerce began. He became one of Lady Frances's admirers, and preſſed for the poſſeſſion of his privileges. She, attached to the glittering fortune of her paramour, refuſed; not without hope, by the means of ſuch a conduct, to regain her freedom. Eſſex, inſtead of attaining the accompliſhment of his expected happineſs, found a coldneſs, oppoſition, and reſerve, which forbad all hopes of enjoy- Anno 1615.

obtain the kingdom by flatteries." *Journals*, vol. I. p. 493.

Anno 1615. ment. The two lovers began to conceive aſſurances of carrying their moſt ſanguine wiſhes into execution; and a proceſs was commenced by the counteſs againſt her huſband for inſufficiency. James, who condeſcended to be a party in all the intrigues of his favorites, intereſted himſelf ſo warmly in the affair, that a divorce was obtained on this plea *, though Abbot, archbiſhop of Canterbury, had declared very ſtrongly againſt it. The divorce was followed by the marriage of lady Frances and the viſcount; and kept with ſuch oſtentation by the court, that the city of London complimented them with an invitation to dinner. The bridegroom was made on this occaſion earl of Somerſet.

State Trials.

Overbury's murder.

Sir Thomas Overbury, a man of ſome abilities, who had devoted his talents to the fortune of Somerſet, had been the friend, the adviſer, and the manager of all his buſineſs, depending on the freedom and ſacredneſs of ſuch a connection, exclaimed ſtrongly to him againſt the folly and infamy of the match. Somerſet had the weakneſs to tell his miſtreſs; Overbury, from that

* James was preſent at the trial, and urged many arguments to the archbiſhop in favor of the divorce. The good prelate, notwithſtanding the King's vehemence, diſſented from the judgment which was given. The earl of Southampton writes thus of it to Sir Ralph Winwood; "Of the nullity I ſee you have heard as much as I can write; by which you may diſcern the power of a King with judges; for of thoſe who are now for it, I knew ſome of them when I was in England were vehemently againſt it, as the biſhops of Ely * and Coventry †. For the buſineſs itſelf, I proteſt I ſhall be glad, if it may lawfully, that it may go forward; though of late I have been fearful of the conſequence, and have had my fears increaſed by the laſt letters which came to me; but howſoever, the manner of interpoſing gives me no cauſe of contentment." *State Trials*, vol. I. p. 226. *& ſeq. Winwood*, vol. III. p. 475.

* Neile.

† Andrews.

hour,

hour, was doomed to deſtruction *, and, on the first trivial pretence which offered, flung into priſon. In this ſtate, rage and deſpair drew from him ſome indiſcreet threatenings, which alarmed the fears of Somerſet. He was conſcious that Overbury was a formidable enemy, from the nature of the ſecrets he had been entruſted with. Self-preſervation concurred with reſentment; the murder of Overbury was determined and perpetrated. The means was an envenomed gliſter; but not till after his conſtitution had reſiſted poiſon, adminiſtered to him in various kinds of food. The unwholeſome viands which had been given to this unhappy man ſhewed their effects ſtrongly upon his carcaſe: the excuſe given for his immediate burial, without inſpection, was the foulneſs of his body, which, it was alledged, proceeded from an intemperate life: And the earl of Northampton, uncle to the counteſs, who was privy to the murder, mentioned in a letter to this purpoſe; "That God was gracious in cutting off evil inſtruments before their time." Anno 1615.

Winwood, the ſecretary, obtained the knowledge of this dark tranſaction from the apothecary's boy, whoſe ſhop had ſupplied the poiſon. The ſecret of Overbury's murder was now in the poſſeſſion of the cabal, who dealt it about ſo freely, that it became the topic of converſation in all companies. James began to waver in his affections; he had caſt a longing eye towards the captivating attractions of George Villiers; but, either aſhamed of his levity, or fond to an uncommon degree of diſſimulation, he affected a Riſe of Villiers.

* This unhappy victim had been the encourager of the amour whilſt it carried only the face of gallantry. He was not ſo ſqueamiſh as to be ſtartled at vice, though his ſenſe and experience made him reject folly.

Anno 1615 more than uſual regard to Somerſet. His real inclinations did not eſcape the penetration of Abbot, who preſſed the queen to recommend the favored Villiers. She, out of hatred to Somerſet, at length complied, though unwillingly. The reaſon of her unwillingneſs exhibits a remarkable trait of James's character: "My lord, ſaid ſhe to the archbiſhop, you and the reſt of you know not what you do; I know your maſter better than you all; for if this young man be once brought in, the firſt perſon whom he will plague muſt be you who labor for him; yea, I ſhall have my part alſo; the King will teach him to deſpiſe and hardly intreat us all, that he may ſeem to be beholden to none but himſelf." James affected ſagacity and deſign in his moſt trifling concerns, and inſiſted on the ceremony of the queen's recommending, that he might have to ſay, upon a complaint of the ill behavior of his favorite, "It was long of yourſelf, for you were the party who commended him to me." The queen's compliance introduced Villiers into the houſhold; he was made a gentleman of the bedchamber, and declared favorite in form. Abbot took great pains to form the diſpoſition of the youth to virtue: but the ſoil which James affected was too barren for ſuch a production.

Rushworth, p. 456, ed. 1721.

Fall of Somerſet.

Somerſet now perceived, notwithſtanding his maſter's profound diſſimulation, that his favor began to wain. He knew the inveteracy of his enemies, and was conſcious of the advantages his crimes had given them. Tortured with the fears of guilt, and the precarioufneſs of his ſituation, he ſolicited for a pardon, which he obtained in the fulleſt form. It was drawn up by Sir Robert Cotton, who copied the manner of a pardon granted by Henry VIII. to Wolſey, with the

the following queſtionable clauſe: "That the King, out of his mere motion and eſpecial favor, did pardon all and all manner of treaſons, miſpriſion of treaſons, murders, felonies, and outrages whatſoever, by the ſaid Robert earl of Somerſet committed, or to be hereafter committed." This pardon, though ſigned by the King, was impeded from paſſing the offices, by the enemies of Somerſet. James by this time had received ſtrong intimations of the guilty ſecret, but ſtill acted the part of diſſimulation, and retired with his quondam favorite to Theobalds; either with deſign to avoid appearing in the proſecution, or to fly from the clamorous rumors of murder. From thence he went to Royſton, where he continued to treat Somerſet with all the appearances of friendſhip; and at the ſame time ordered Sir Edward Coke, lord-chief-juſtice, and Sir Francis Bacon, the attorney-general to take upon themſelves his proſecution. A warrant was actually ſerved on him whilſt James, who had an unſeemly way of lolling on his favorite's neck, was indulging himſelf in that poſture. Somerſet exclaimed againſt the outrage of arreſting him in the King's preſence; but James could not be prevailed on to remit it; and feigning an entire ignorance of the affair, cried, "Nay, man, if Coke ſends for me I muſt go;" then, after the moſt affectionate farewel, as ſoon as he was carried off, he exclaimed, "Go, and the deel go with thee, for I will neere ſee thy face more." He told the lord-chief-juſtice, that Somerſet and his wife had made him a pimp, to carry on their bawdry and murder; and therefore commanded him to examine the affair with ſtrict ſcrutiny, and to ſpare no man whatſoever; adding, "God's curſe be upon you and yours if you Anno 1615.

Anno 1615. you ſpare any of them, and God's curſe be upon me and mine if I pardon any of them." Sir Jervis Ellis, lieutenant of the Tower, Franklin (the apothecary) and other delinquents, were apprehended.

Whatever was the nature of the ſecret, James's intimacy with Somerſet had certainly produced an intercourſe which gave him ſome uneaſineſs. The letters which Sir Francis Bacon wrote on the occaſion of the proſecution prove that the criminal was, from this circumſtance, formidable enough to require management. "He approves of a charm to be infuſed into Somerſet's ear, but wiſhes it was more enlarged, and that the utmoſt favors ſhould be continued, on condition of his prudent demeanors." Somerſet continued ſo dogged and aſſured in his carriage, that there were thoughts of reſtoring him altogether to grace. Bacon, in another letter, diſſuades the King from ſuch an impolitic conduct, and adviſes certain hopes to be given to the criminal two or three days before the trial; "But all theſe hopes, continues he, of favor and mercy, are to be underſtood with this limitation; if he does not, by his contemptuous and inſolent carriage at the bar, make himſelf uncapable and unworthy of them." "That danger, returned James, is well to be foreſeen, leſt he, upon the one part, commit unpardonable errors, and I, on the other part, ſeem to puniſh him in the ſpirit of revenge."

Cabala, p. 36.

Ib. p. 37.

P. 54.

Somerſet tried,

After theſe precautions had been uſed, and the criminal at length convinced that his life depended upon his prudent behavior, the two principals were brought to their trial*. The coun-

* Sir Anthony Weldon relates an anecdote he had from Sir George More, lieutenant of the Tower. When he (More)

teſs pleaded guilty *, and Somerſet made a languid defence. They both received ſentence of death, and continued a long time in priſon; but Anno 1615. condemned,

(More) came to tell Somerſet he muſt prepare for his trial on the morrow, he refuſed to appear, and ſaid, "The King durſt not bring him to it." On More's informing the King of theſe expreſſions, he burſt into tears, and intreated him to uſe his utmoſt ſkill, and ſoothe the priſoner, by whatever means, into temper and ſubmiſſion.

The ſame author relates, that More, when Somerſet was brought to his trial, placed a ſervant on each ſide of him, with a cloak on their arms, giving a peremptory order, If Somerſet did any way fly out on the King, that they ſhould inſtantly hoodwink him with that cloak, take him by force from the bar, and carry him off.

One of the precautions which Bacon had recommended to James was, to be careful to chuſe a ſteward of judgment, who might be able to moderate the evidence, and cut off digreſſions; "For I may interrupt, adds he, but I cannot ſilence."

On the day of trial, when Somerſet was on the point of ſpeaking for himſelf, the lord-high-ſteward gave him the following caution: "My lord of Somerſet, ſaid he, hath behaved himſelf modeſtly in the hearing; and only this (before you ſpeak for yourſelf) by way of advice I will ſay unto you, in giving you two examples; Your wife, who yeſterday confeſſed the fact; and there is great hopes of the King's mercy, if you now mar not that which ſhe made. On the contrary, Byron, who, when the king of France uſed all the means he poſſibly could to bring him to the acknowledgment of his offence; which if he had done, there was no queſtion to be made of the king's grace; and I think there never was, nor is, a more gracious and merciful king than our maſter; but Byron ſtill perſiſting in the denial of the fact, you know his end." *Cabala*, fol. ed. 1663, p. 54. *State Trials*, vol. I. p. 346.

* At her arraignment appeared ſeveral letters which had paſſed between her and her agents; the purpoſe of which was the expected ſucceſs of ſome magical courſes which theſe people had undertaken, and this weak woman had depended on; for the ends of debilitating her huſband, and rendering her lover conſtant in his affection; ſeveral wax and brazen images, moulded for theſe purpoſes, were likewiſe expoſed. *State Trials*, vol. I.

had

Anno 1615. had afterwards, notwithſtanding James's tremendous execration, a pardon, and enjoyed a penſion of four thouſand pounds a-year. In one of the letters which Somerſet wrote to James after he was remanded to the Tower, there is this obſcure paragraph: "I will ſay no farther, neither in that which your majeſty doubted my aptneſs to fall into, for my cauſe nor my confidence is not in that diſtreſs as to uſe that means of interceſſion." The union of this guilty couple, which had been accompliſhed by the violation of the moſt ſacred laws of ſociety, became, from their mutual diſtaſte, their ſevereſt puniſhment.

and pardoned.

Cabala, p. 202.

Theſe following inſtruments of the murder, Sir Jervis Ellis (lieutenant of the Tower *), Mrs. Turner, Weſton (who had been appointed keeper to Overbury), and Franklin (the apothecary), were convicted and executed. Sir Thomas Monſon, a creature of Somerſet, was accuſed as a party, and brought to his trial, but for private reaſons was remanded to priſon †. The earl of

* Sir William Wade was removed from the lieutenancy of the Tower immediately before Overbury's confinement, and this inſtrument of Somerſet's villainy ſubſtituted in his place.

† Sir Anthony Weldon tells the following ſtory on the ſubject of this remand. The King being at the game of maw, ſaid, "To-morrow comes Tom Monſon to his trial." "Yea, ſaid the King's card-holder; where if he does not play his maſter-prize, your majeſty ſhall never truſt me." This ſo run in the King's mind, continues the author, as the next game he ſaid he was ſleepy, and would play out that ſet next night. The gentleman departed to his lodging; but was no ſooner gone but the King ſent for him; what communication they had I know not (yet it may be can more eaſily gueſs than any other) but it is moſt certain, next under God, that gentleman ſaved his life; for the King ſent a poſt preſently to London, to let the lord-chief juſtice know he would ſee Monſon's examination and confeſſion, to ſee if it were worthy to touch his life for ſo ſmall

Northampton, uncle to the counteſs, had been privy to all the circumſtances of the murder, but died a little time after the perpetration of it *. He became, from the nearneſs of their connection, chief counſellor to Somerſet; he was made warden of the Cinque-ports, and, by his connivance, the importation of prieſts and Jeſuits went on freely. Abbot procured his diſgrace by producing a letter of his to cardinal Bellarmine, wherein he declares himſelf wholly devoted to the ſee of Rome. Anno 1615.

ſmall a matter. Monſon was too wiſe to ſet any thing but fair in his confeſſion; what he would have ſtabbed with, ſhould have been (*viva voce*) at his arraignment. *Weldon*, p. 103, *& ſeq.*

* The following is the copy of a letter from the earl of Northampton to Sir Jervis Ellis, lieutenant of the Tower.

"Worthy Mr. Lieutenant, let me entreat you to call Lidcote and three or four of his friends, if ſo many come, to view the body, if they have not already done it; and ſo ſoon as it is viewed, without ſtaying the coming of a meſſenger from the court, in any caſe ſee it interred in the body of the chapel within the Tower, inſtantly.

"If they have viewed, then bury it by and by; for it is time, conſidering the humors of that damned crew, who only deſire means to move pity and raiſe ſcandals. Let no man's inſtance move you to make ſtay in any caſe; and bring me theſe letters when I next ſee you.

"Fail not a jot herein, as you love your friends; nor after Lidcote and his friends have viewed ſtay one minute, but let the prieſt be ready; and if Lidcote be not there, ſend for him ſpeedily, pretending that the body will not tarry.

"In poſt-haſte at twelve." *Winwood*, vol. III. p. 482.

CHAP.

CHAP. V.

Coke's oppoſition.——He is deprived of his office.——Cautionary towns delivered.——Affairs of Scotland.——Ireland.——Holland.——Sir W. Raleigh's expedition.——His fatal end.——His character.

Anno 1615. THE diſgrace and ruin of the old favorite removed all obſtruction to the riſing fortune of the new one. James, from his want of money, had hitherto been deprived of enriching this minion; but the ſpoils of Somerſet afforded him that ſatisfaction *. The unrivalled Villiers now ſhone forth in all the gaudy plumage of royal favor. James found in the diſpoſition of the youth an unbounded levity, and a ductile licentiouſneſs, which promiſed as glorious a harveſt as vice and folly could deſire. It was imagined that the change of manners in Somerſet, from a trifling obſcene buffoonery to a gravity tinctured with ſadneſs, was one of the principal cauſes of James's inconſtancy, who now enjoyed a double felicity in the accompliſhment of his wiſhes, and the ceſſation of his fears. In the midſt of this triumph ſome croſſes ſtill thwarted him.

Coke's oppoſition. Lord-chief-juſtice Coke, a man of a haughty temper, from ſome tranſactions which had happened during Somerſet's trial, was extremely diſpleaſed with the court; this diſpleaſure gave

* Theſe ſpoils amounted to the ſum of two hundred thouſand pounds, and an eſtate of nineteen thouſand pounds a-year; an immenſe wealth, if eſtimated by the value of money in thoſe days.

riſe

rise to an integrity which had never yet appeared in his political conduct: He formed a strong party among the lawyers, and attacked the usurpations of the crown upon all occasions. Part of the prerogative concerning commendams to livings was now disputed in the Common-Pleas; the judges were against the crown, and had even the spirit to disregard a command from the King to stop proceedings. The command was delivered in a letter from the attorney-general, Sir Francis Bacon. The judges pronounced the command to be contrary to law, and as such they were not to obey, but to proceed to judgment as bound by oath. This roused James from his retreat at Royston; he sent a bluftering reprimand to the judges, in which he highly asserted his prerogative, and treated their oath merely as a form devised by his predecessors, which, he said, could never be meant as a weapon to wound royal power. The judges were convened into the Star-chamber, and James displayed his arbitrary pretensions in a species of reasoning peculiar to himself. Coke maintained the justness of the refusal by the authority of two acts of parliament; and when Bacon officiously took up the cause of majesty, he excepted against such an interfering, as of an opposite nature to the office of attorney-general, who was to plead before the judges, not against them. The judges had not the courage longer to resist; and, to the great dissatisfaction of the chief-justice, meanly submitted the case to the judgment of the privy-council, who determined it for the prerogative. An answer of Coke's in this debate is worthy of record. On James's raising his voice, and asking the judges in a peremptory manner, "Whether if, in a case depending before them, he conceived

Anno 1615.

Mallet's Life of Bacon.

Anno 1615. ed it to concern him in profit or power, and thereupon required to conſult with them, and a ſtay of proceedings, whether they ought not to ſtay them accordingly?" all but the lord-chief-juſtice aſſented to the demanded obligation; but he with dignity replied, "That when ſuch a caſe happened, he would do that which was fit for a judge to do."

Bacon, the greateſt preferment-ſeeker of the age, to the abuſe of his excellent talents, had ſought aggrandiſement by the moſt contemptible means. Ever the tool of authority, from the creature of Somerſet he had become the creature of Villiers; blind and inſenſible to the ſuperiority of true dignity, he eagerly purſued, in the moſt diſgraceful manner*, that deceitful image of it which attracts the vulgar. From Villiers he had now the promiſe of ſucceeding the chancellor, who was in a viſible decline. In a letter to James, full of the moſt ſervile adulation, he begged this place, and aſſerted it was the intereſt of the King to give it him. He objected to Coke's popularity, and ſaid, "That ſuch men were no ſure mounters for his majeſty's ſaddle; to Hobart, becauſe he was no ſtateſman; and if he and Coke were placed at both ends of the council-board, the prerogative would be cramped between the two lawyers, who would general-

Cabala, p. 29.

* In a letter to James he draws a lively picture of his ſervility. "How honeſtly ready I have been, moſt gracious ſovereign (writes he), to do your majeſty humble ſervice to the beſt of my power, in the commiſſion of union, and this laſt parliament for the bill of ſubſidy, both body and preamble, in the bill of attainders, in the matter of purveyance, in the eccleſiaſtical petitions, in the grievances, and the like; as I was ever careful, not without good ſucceſs, ſometimes to put forward that which was good, ſometimes to keep back that which was worſe." *Cabala.*

ſelf,

ly agree in exalting law above power. For myſelf, ſays he, I can only preſent your majeſty with *gloria in obſequio*; when a direction is once given, it ſhall be purſued and performed, and your majeſty only troubled with the true care of a King, to think in chief what you would have done, not how." Anno 1615.

In a quarrel between the judges and the chancellor, the juriſdiction of whoſe court was already extended to the detriment of the law, the chancellor was proſecuted for having incured a premunire* in entertaining a cauſe which had been adjudged in the court of Common-Pleas. The proſecution was ſupported by Coke and the judges †. James was glad of an opportunity to weaken the authority of the courts of common law. On the ſearching of precedents, there were found many examples of proceedings in Chancery after judgment in theſe courts: On this authority, James ſummoned the parties into the Star-chamber, where he harangued with his uſual flights of the power of kings, and obedience of ſubjects. "Kings, he ſaid, ſat in the throne of God, and from thence all judgment is derived." He compared the power of judgment in Chriſtian kings to that of Moſes, to whom all profound queſtions were left. He determined from thence that there is a conjunction between God and the king upward, and the king

Sanderſon, 1656, p. 439. & ſeq.

The King's ſpeech in the Star-chamber.

* On the ſtatute of Henry IV. that the judgment given in the King's court ſhall not be examined in Chancery, parliament, or elſewhere, until it be undone by attaint or error.

† Some time before this rupture, James, in a converſation with the lord-chief-juſtice Coke and the lord-chancellor, had charged them to refer all diſputes to his private deciſion. *Letters from and to Sir Dudley Carleton*, 1758, p. 45.

Anno 1615. and the judges downward. "Encroach not upon the prerogative; deal not in difficult queſtions. That which concerns the myſtery of the king's power is not lawful to be diſputed, for that is to wade into the weakneſs of princes, and to take away the myſtical reverence which belongs to thoſe who ſit on the throne of God. It was an odious and inept ſpeech to ſay that a premunire lay againſt the court of Chancery; I mean not that the Chancery ſhould exceed its limits, but the King only is to correct it, and none elſe." He commanded that no man hereafter ſhould preſume to ſhew a premunire againſt the court of Chancery. Then in the moſt hyperbolical ſtrains he praiſed the Star-chamber, and afterwards addreſſed himſelf to the whole auditory, and adviſed them "Not to preſume to meddle with things againſt the king's prerogative or honor; for if they did the judges will puniſh them; and in caſe the judges do not, he muſt puniſh both them and the judges. Plead not, continued he, upon puritanical ſtrains, which make all things popular, but keep you within the ancient limits *."

Sir Edward Coke was the ſufferer from this triumph of James, to whom he was perſonally

* Bacon's advice to the King, in the buſineſs of the premunire, is one of the innumerable inſtances which this contemptible time-ſerver has given of the ſervility and corruptneſs of his heart. "This great and public affront, ſays he, not only to the reverend and well-deſerving perſon of your chancellor (and at a time when he was thought to lie on dying, which was barbarous) but to your high court of Chancery, which was the court of your abſolute power, may not (in my opinion) paſs lightly, nor end only in ſome formal atonement; but uſe is to be made thereof for the ſettling your authority, and ſtrengthening your prerogative, according to the true rules of monarchy." *Cabala*, p. 32.

odious.

odious. He was profecuted with the utmoſt rancor on the following heads: Firſt, for having concealed a ſtatute due to the crown of twelve thouſand pounds from the lord-chancellor Hatton, whoſe widow he had married; ſecondly, for having expreſſed himſelf upon the bench as if the common law was in danger of being overthrown, with the inſinuations as if the King was its enemy; thirdly, for having behaved diſreſpectfully to the King in the caſe of commendams, and injuriouſly to the lord-chancellor in the affair of the præmunire. Though the lord-chief-juſtice could not be legally convicted on any of theſe articles, yet, by the ſentence of the Star-chamber, he was brought upon his knees, deprived of his office *, and ordered to retire to a private life, there to review his law-works, to ſome paſſages of which James had objections. Anno 1625.

Coke deprived of his office.

Many circumſtances in Coke's behavior had concurred to draw upon him this unjuſt treatment. He was not only obnoxious to James from the oppoſition he had raiſed to the uſurpations of the crown; he had even ventured to offend the minion Villiers. Sir Nicholas Tufton had a patent-place in the green-wax office in the King's Bench, which the favorite wanted to fill with one of his creatures. He obtained the ſurrender of the place from Sir Nicholas by the bribe of a peerage; but met with an obſtacle in Coke,

* On Coke's being thus deprived of his office, Bacon, with whom he had been long at variance, wrote him an abuſive railing epiſtle, with the following exordium: "That he ſuppoſed this to be the time of his affliction, and therefore he took the ſeaſonable advantage to ſhew him his imperfections." The beginning of this letter is written in a ſtyle of religious cant, which does as little credit to the genius of the author, as the malice in it does to the qualities of his heart. *Cabala*, p. 88, *& ſeq.*

Anno 1615. who refuſed to admit a clerk of Villiers' nomination.

The recent triumph of the prerogative over law delighted the courtiers with the proſpect of an eſtabliſhed tyranny: What could be more promiſing to the enemies of civil Liberty than the increaſing juriſdiction of the Chancery, and the confirmed uſurpation of the Star-chamber?

Creation of a prince of Wales.

An occaſion for an extraordinary expence and pageantry offered this year, in the creation of a prince of Wales. A profuſion of titles followed this ceremony. Villiers obtained that of viſcount, and at the end of the year was made earl of Buckingham. The great bar to that exceſs of pomp and pleaſure the court delighted to revel in, was the poverty of the Exchequer; a malady to which the unmeaning prodigality of James continually ſubjected it. Neceſſity reduced the miniſtry to part with thoſe towns which had been pledged by the States to Elizabeth, for the prodigious ſum of eight millions of florins. This was all due to the crown of England. They were reſtored this year for the ſum of two millions ſeven hundred and twenty-eight thouſand florins. Theſe towns were conſidered as keys to the Low-Countries: the miniſtry of Elizabeth had taken advantage of the neceſſities of that brave people to make them dependant on the crown of England. The large ſum which theſe extorted depoſites were pledged for, was a payment of the whole aſſiſtance of men and money they had received from Elizabeth; an aſſiſtance which the obligations of virtue demanded to be a free gift.

Baker's Chronicle.

Cautionary towns delivered up.

So conſiderable a recruit enabled James to perform what he had long intended, a viſit to his native country; nor was it deferred by any other

other motive but his inability, from the want of money, to ſhine with an oſtentation worthy the dignity of the King of Britain. The Scots were obliged to incur the expence of this chargeable gueſt. What made the proſpect of it very diſagreeable to them, was a jealouſy leſt this viſit was intended with a deſign to effect invaſions on their eccleſiaſtical liberties. To quiet this jealouſy, James wrote a letter to the council, in which he aſſured them, that his reſolution to viſit this kingdom did proceed of a longing he had to ſee the place of his breeding, a ſalmon-like inſtinct: And, becauſe he knew that evil-diſpoſed people would diſperſe rumors as if he came to make alterations in the civil and eccleſiaſtical ſtate, he commanded proclamation to be made for certifying the ſubjects to the contrary. It was true that he deſired to do ſome good at his coming, and to have abuſes reformed both in the church and commonwealth; yet, foreſeeing the impediments which his good intentions would meet with, and regarding the love of his people no leſs than their benefit, he would be loth to give them any diſcontent; and therefore willed all his good ſubjects to lay aſide their jealouſies, and accommodate themſelves in the beſt ſort they could for his reception, and the entertainment of the noblemen of England, who were to accompany him in this journey. Notwithſtanding theſe aſſurances, the order for employing ſome Engliſh carpenters, to decorate the King's chapel at Edinburgh with the images of the apoſtles, encreaſed the jealouſy of the nation to ſuch a height, that James was entreated in an addreſs by their clergy to countermand the order. James ſo far aſſented as to ſtay the erecting the images, but withal ſignified to them, in a letter full of expreſſions

Anno 1615. Rapin. Burnet. Affairs of Scotland.

Spotſwood, 1677. P 529.

Anno 1615. of anger and contempt, that he did not do it for the eaſe of their hearts, or for confirming them in their errors, but becauſe the decorations in that form could not be finiſhed at the appointed time. Notwithſtanding theſe heart-burnings, he was received with all the pomp the Scotch government, which had been ſome time ſaving for the occaſion, could afford. He made uſe of his perſonal authority to get an act paſſed by the lords of the articles *, that whatſoever he ſhould determine in the external government of the church, with the advice of the archbiſhops, biſhops, and a competent number of the miniſtry, ſhould have the ſtrength of a law. This act, contrary to the nature and exiſtence of Preſbytery, was even remonſtrated againſt by the Scotch prelacy, who knew the diſpoſition of the people, and feared that the total loſs of power would follow a premature exertion of it †. James

Spotſwood, p. 530.

* In a late publication of Letters, &c. by Dr. Birch, there is a letter to Bacon from a gentleman who attended the King in this journey to Scotland, which hath this remarkable deſcription of the ſtate of the government of that country at this time of James's viſiting it.

"The King did perſonally and infallibly ſit amongſt them of the parliament every day, ſo that there fell not a word among them but his majeſty was of council with it.

"The whole aſſembly, after the wonted manner, was abſtracted into eight biſhops, eight lords, eight gentlemen knights of the ſhire, and eight lay burgeſſes for towns; and this epitome of the whole parliament did meet every day in one room, to treat and debate of the great affairs of the kingdom. There was exception taken againſt ſome of the lower-houſe, which were returned by the country, being pointed at as men averſe in their appetites and humors to the buſineſs of parliament; who were depoſed of their attendance by the King's power, and others, better affected, by the King's election, placed in their room."

† The biſhops, writes Spotſwood, interceding, did humbly entreat that the article might be better conſidered, for that in making of eccleſiaſtical laws the advice and conſent

of

had carried his point ſo far as to gain, with much management, a parliamentary conſent; but other difficulties were not to be ſurmounted. Anno 1618.

The miniſters aſſembled and drew up a petition againſt this innovation, and put the King in mind of the letter in which he aſſured them, that his intended journey to Scotland was not to produce any alteration in the civil or eccleſiaſtical government of the kingdom. The proteſtation concludes thus: "Theſe and many other reaſons have moved us, in all reverence, by this our humble ſupplication, to entreat your highneſs and honorable eſtates, not to ſuffer the afore-named article, or any other prejudicial to our former liberties, to paſs at this time, to the grief of this poor church; that the univerſal hope of thouſands in this land, who rejoiced at your majeſty's happy arrival, be not turned into mourning; wherein, as we are earneſt ſupplicants to God to incline your majeſty's heart this way, as the moſt expedient for the honor of God and weal of your ſubjects, ſo, if we ſhall be fruſtrated of this our reaſonable deſire, then do we in all humility (with that dutiful acknowledgment of our loyalty to your majeſty as becometh) proteſt, for ourſelves and all our brethren who ſhall adhere to this proteſtation, that as we are free of the ſame, ſo muſt we be forced rather to incur the cenſure of your majeſty's law, Spotſwood, p. 531, & ſeq.

of preſbyters was alſo required. The King replying, "That he was not againſt the taking of miniſters their advice, and that a competent number of them ſhould be called to aſſiſt the biſhops; but to have matters ruled as they have been in your general aſſemblies, I will never agree: for the biſhops muſt rule the miniſters, and the King rule both, in matters indifferent, and not repugnant to the word of God." So the article paſſed in this form, That whatſoever, &c. *Spotſwood*, p. 531.

Anno 1615. than to admit or obtemper any impoſition which ſhall not flow from the church orderly convened, others having power from the ſame." This petition and proteſtation was ſubſcribed but by one miniſter, in the name of the brethren and ſupplicants; but, in a ſeparate paper, each miniſter who was preſent at this aſſembly ſigned his name, as a teſtimony of his concurrence. One Hewit, who, from his preferment, had a ſeat in the parliament-houſe, was the perſon pitched on to preſent the petition to the King. The archbiſhop of St. Andrew's, a zealous prelate, having heard of what was going forward, attempted in the King's anti-chamber to ſnatch the paper out of Hewit's hands. James was made acquainted with this tranſaction, came into the anti-chamber, and enquired into the particulars of the buſtle: The archbiſhop anſwered, "That a number of miniſters, having framed a proteſtation againſt the article of his majeſty's prerogative, had given it to the man whom he had made abbot, to preſent; and that he had undertaken to do the ſame, for which he was taking him to taſk, it being an undutiful part, without ſignifying the matter to his ordinary, to take ſuch a buſineſs in hand." On this repreſentation, the poor prieſt, frighted with the terrible looks of the King and the archbiſhop, fell upon his knees, and with a viſible confuſion ſaid, "That he ſuppoſed the proteſtation would not have offended his majeſty, and that he had promiſed to preſent the ſame in parliament; but now that it appeared to him otherwiſe, he would no more meddle therewith." The King, ſeeing by the two papers that a number had avowed this petition, ſuſpected that the innovating article would be proteſted againſt in full parliament, and commanded

manded the regiſter to eraſe it as a thing unneceſ- Anno 1616.
ſary, it giving no addition to his prerogative.

He afterwards called together an aſſembly of the clergy, on whom he wanted to impoſe theſe four articles: That the euchariſt ſhould be received kneeling; that a private adminiſtration of it ſhould not be denied to ſick perſons; that Chriſtmas, Eaſter, Aſcenſion-Day, and Whit-Sunday, ſhould be kept as holidays; and that confirmation ſhould be ſolemnized by the biſhop's bleſſing.

James to this aſſembly put on a very magiſterial air, and aſked them, why they had diſputed admitting that power which had been acknowledged by the lords of the articles? "It is a power innate, ſaid he, and a ſpecial prerogative, which we, who are Chriſtian kings, have, to order and diſpoſe of external things in the policy of the church; and, Sirs, for your approving or diſapproving, I will never regard it, unleſs you bring me a reaſon which I cannot anſwer."

The miniſters very prudently waved this difficult taſk, and ſubmitted the King's demands to the opinion of the general aſſembly; and James found that they all muſt be ſubject to an after-judgment. Symſon, the miniſter who drew up and ſigned the proteſtation againſt the article which had met with the aſſent of the Lords, was committed to priſon; and Catherwood, who carried circular letters to the miniſters to encourage them to adhere to it, was baniſhed. The four articles of innovation which James would have impoſed upon the clergy were rejected in the general aſſembly, which met immediately on his departure, but were adopted the year after *. Four articles impoſed on the Scotch church.

* Before this aſſembly met, the biſhops, who had acted more cautiouſly in theſe affairs than was ſuitable to the King's

Anno 1616. James returned from Scotland very much diſſatisfied with the little compliance he had re-

King's inclination, received the following letter from him:

"We were once fully reſolved never in our time to have called any more aſſemblies here for ordering things concerning the policy of the church, by reaſon of the diſgrace offered unto us in that late meeting of St. Andrew's, wherein our juſt and godly deſires were not only neglected, but ſome of the articles concluded in that ſcornful manner as we wiſh they had been refuſed with the reſt: yet at this time we have ſuffered ourſelves to be entreated by you our biſhops for a new convocation, and have called you together, who are now convened for the ſelf-ſame buſineſs which was then urged, hoping aſſuredly that you will have ſome better regard to our deſires, and not permit the unruly and ignorant multitude, after their wonted cuſtom, to overſway the better and more judicious ſort in evil, which we have gone about with much pains to have had amended in theſe aſſemblies, and for that purpoſe, according to God's ordinance, and the conſtant practice of all well-governed churches, we have placed you, who are biſhops and overſeers of the reſt, in the chiefeſt rooms. You plead much, we perceive, to have things done by conſent of miniſters, and tell us often that what concerneth the church in general ſhould be concluded by the advice of the whole; neither do we altogether diſlike your opinion, for the greater is your conſent the better are we contented. But we will not have you to think that matters propoſed by us, of the nature whereof theſe articles are, may not, without ſuch a general conſent, be enjoined by our authority.

"This were a mis-knowing of your places, and withal a diſclaiming of that innate power which we have by our calling from God, whereby we have place to diſpoſe of things external in the Church, as we ſhall think them to be convenient and profitable for advancing true religion among our ſubjects; wherefore let it be your care, by all manner of wiſe and diſcreet perſuaſions, to induce them to an obedient yielding to theſe things, as in duty both to God and us they are bound, and do not think we will be ſatisfied with delays, mitigations, and other we know not what ſhifts have been propoſed, for we will not be content with any thing but a ſimple and direct acceptation of theſe articles, in the form ſent by us unto you a long time paſt, conſidering both the lawfulneſs and undeniable convenience of them, for the better

ceived from his Scotch ſubjects, whom he imagined he had entirely gained by the profuſion of Anno 1618.

better furtherance of piety and religion, the eſtabliſhing whereof it had rather have becomed you to beg of us, than that we ſhould have needed thus to urge the practice of them upon you.

"These matters indeed concern you of the eccleſiaſtical charge chiefly; neither would we have called noblemen, barons, and others of our good ſubjects, to the determination of them, but that we underſtand the offence of people have been ſo much objected, wherein you muſt bear with us to ſay, that no kingdom doth breed, or hath at this time more loving, dutiful, and obedient ſubjects, than we have in that our native kingdom of Scotland; and ſo, if any diſpoſition hath appeared to the contrary in any of them, we hold the ſame to have proceeded from among you, albeit of all ſorts of men ye are they who both of duty were bound, and by particular benefits obliged to have continued yourſelves, and confirmed others, by ſound doctrines and exemplary life, in a reverend obedience to our commandments. What and how many abuſes were offered us by divers of the miniſtry there, before our happy coming to the crown of England, we can hardly forget, and yet like not much to remember; neither think we that any prince living ſhould have kept himſelf from falling in utter diſlike with the profeſſion itſelf, conſidering the many provocations which were given unto us; but the love of God and his truth ſtill upheld us, and will, by his grace, ſo do unto the end of our life. Our patience always in forgetting and forgiving of many faults of that ſort, and conſtant maintaining of true religion againſt the adverſaries (by whoſe hateful practices we live in greater peril than you all, or any of you), ſhould have produced better effects among you than continual reſiſtance of our beſt purpoſes. We wiſh that we be no more provoked, nor the truth of God, which you teach and profeſs, any longer ſlandered by ſuch as, under the cloak of ſeeming holineſs, walk diſorderly amongſt you, ſhaking hands, as it were, and joining in this their diſobedience to magiſtracy, with the upholders of Popery. In ſum, our hearty deſire is, that at this time you make the world ſee, by your proceedings, what a dutiful reſpect you bear to us your ſovereign prince, and natural king and lord; that as we in love and care are never wanting to you, ſo ye, in an humble ſubmiſſion to our ſo juſt demands, be not found inferior to others our ſubjects, in any of our kingdoms; and that the care and zeal of the

good

Anno 1616. favors he had beſtowed on many of their nobility, and on his domeſtic ſervants of that nation. Though the Scots, from the powerful influence of educational prejudices, were apt to entertain attachments contrary to reaſon and the good of ſociety; yet a ſpirit of religious faction, impoliticly attacked by James, gave riſe to jealouſies which baffled the power of theſe hereditary poſſeſſions.

Ireland. The earl of Tyrone, the chief of the Popiſh party in Ireland, and a leader in all their rebellions, was protected and ſupported by the king of Spain. He had been pardoned by Elizabeth, and well received by James *. In the year 1613,

good of God's church, and of the advancing of piety and truth, doth chiefly incite us to the following of theſe matters, God is our witneſs; the which, that it may be before our eyes, and that, according to your callings, you may ſtrive, in your particular places, and in this general meeting, to do thoſe things which may beſt ſerve to the promoting of the Goſpel of Chriſt; even our prayers are earneſt to God for you, requiring you, in this and other things, to credit the bearer hereof, our ſervant and chaplain, the dean of Wincheſter, whom we have expreſsly ſent thither, that he may bring unto us a certain relation of the particular carriages of all matters, and of the happy event of your meeting, which, by God's bleſſing (who is the God of order, peace, and truth) we do aſſuredly expect; unto whoſe gracious direction we commend you now and for ever.

"Given at Theobalds, the 10th of July, 1616." *Spotſwood*, p. 537, & *ſeq.*

* He was brought over into England by the lord Mountjoy in the firſt year of James's reign. Rory O-Donell, his companion, was created earl of Tyrconnel, and himſelf treated with ſuch favor that a proclamation was iſſued, commanding all perſons to ſpeak reſpectfully of him, and carry themſelves civilly towards him. Theſe indulgencies did not prevent Tyrone and Tyrconnel from entering into new intrigues with the courts of Spain, Bruſſels, and Rome, which produced a conſpiracy in Ulſter for murdering the lord-lieutenant and the council, and extirpating the Engliſh from Ulſter. This conſpiracy was timely diſcovered, Tyrone

ſome freſh diſcontents which prevailed among the Papiſts in Ireland gave ſuch hopes to the ambitious chief, that he undertook, with the aſſiſtance of his countrymen in the Spaniſh ſervice, to raiſe another rebellion. The marquis Spinola, eſteemed one of the beſt officers of the age, undertook to head the expedition. The deſign was diſcovered, and Tyrone's correſpondents taken and executed. Anno 1616.

James was at this time thoroughly convinced, from the whole conduct of Spain, that there was no hopes of attaining a family-alliance with that inveterate ſtate. The houſe of Bourbon was next in greatneſs to the houſe of Auſtria; and the Engliſh monarch diſdained to match his ſon with any family of leſs potency.

The lord Hays, under the guiſe of congratulating the French court on the king's marriage, was this year ſent into France with ſuch a pro- Lord Hay's embaſſy to the French court. Wilſon, p. 92.

rone and Tyrconnel fled, were well received at the court of Bruſſels, obtained money from the court of Spain, and retired afterwards to Rome, where they were ſupported by the pope with large penſions.

On the occaſion of their flight, James publiſhed a proclamation with the following remarkable declarations: "That they had not their creations or poſſeſſions by any lineal or lawful deſcent from anceſtors of blood or virtue, but were, for reaſons of ſtate, preferred before others of better quality and birth in their country; that they had not been moleſted on account of religion, nor was there any purpoſe of proceeding againſt them on that head, their condition being to think murder no fault, marriage of no uſe, nor any man valiant who does not glory in rapine and oppreſſion; and therefore it would be an unreaſonable thing to trouble them for religion before it could be perceived, by their converſation, that they had any; that in all matters of controverſy they had been favored beyond their competitors, except in thoſe caſes wherein was plainly diſcerned that their only end was to have made themſelves by degrees more able to reſiſt lawful authority, when they ſhould return to their vomit again,

Anno 1616. poſal; and James, who by his own affections eſtimated the importance of ſhow, decked his ambaſſador with a magnificence ſurpaſſing every other ſpecies of extravagance which had yet appeared *.

This embaſſy gave an alarm to the Spaniſh court. They reiterated all their inſinuations to draw James again to their lure: Sir John Digby, his ambaſſador at Madrid, was flattered with aſſurances that his Catholic majeſty would remove all impediments to the deſired match between the infanta and the prince of Wales; and that even in the point of religion a moderation ſhould be ſo ſtrictly adhered to, that no terms ſhould be demanded, inconſiſtent with the reputation of James to grant. Stale as was this bait, it did not fail of an effect; James, inſtead of ſeizing the opportunity of revenging the inſults he had received from that court by a contemptuous refuſal, countermanded the orders he had given Hays to preſs the match with France.

Anno 1617. The States ſupported the elector of Brandenburgh, one the princes claimant, in the poſſeſſion of the towns he held in the duchy of Cleves

gain, by uſurping a power over other good ſubjects." *Rymer*, vol. XVI. p. 664.

* The following is a deſcription of the parade in which the ambaſſador rode to receive his firſt audience at the French court:

Six trumpeters and two marſhals (in tawney velvet liveries, completely ſuited, laced all over with gold, richly and cloſely laid) led the way; the ambaſſador followed, with a great train of pages and footmen in the ſame rich livery. The ambaſſador's horſe was ſhod with ſilver ſhoes ſlightly tacked on; the prancing and curveting of the horſe diſperſed them among the mob; on theſe occaſions a farrier of the train, richly dreſſed, tacked on others in the ſame ſlight manner: theſe he took out of a large velvet bag, loaded for the occaſion. *Wilſon*, p. 93, *& ſeq.*

and

and Juliers, againſt the houſe of Newburgh and the elector of Saxony, two other claimants. The houſe of Newburgh was aſſiſted by the power of Spain *, the elector of Saxony by the emperor. James had ſome pretence to interfere in this buſineſs, by the aſſiſtance he had given towards wreſting this territory out of the hands of the houſe of Auſtria. The States had agreed to give up the towns which their troops held in the name of the elector of Brandenburgh; but, when preſſed to a performance, they refuſed, on pretence of the rumor of a family-alliance between the crowns of Spain and England: An aviſo from Spain had given the States intelligence that the match had been there debated in the Inquiſition, and judged proper, in regard it would avail for the introduction of Popery into England. The States alledged, that the rights of the competitors not being yet ſettled, it would be unjuſt to deliver them into the hands of any one claimant; dangerous to put them into the hands of the king of Spain, or the emperor; and that James, by the intended alliance, was alſo become a party ſuſpected. Anno 1617.

A kind of diſtraction prevailed in the civil government of France. All the princes of the blood were united in a ſtrong party againſt the power of the queen-mother, who was unſupported by any other partizans than two worthleſs Italians, the marquis d'Ancre and his wife. Theſe had ſo great an influence over her weak mind, that, according the abſurd ſuperſtition of that Affairs of France.

* The duke of Newburgh had abjured Lutheraniſm, and embraced the Roman Catholic faith, to make uſe of the protection of the Emperor, and the aſſiſtance of the court of Spain.

time,

Anno 1617. time, it was looked on to be the effect of enchantment; and the marchioneſs was afterwards tried and burned for witchcraft. James was extremely jealous of the connection between the crowns of France and Spain, and for this reaſon abetted the malcontents. On the queen-mother's putting the prince of Conde under arreſt, Hays demanded the reaſon of the impriſonment, a pacification having been brought about by the mediation of his maſter; on receiving no ſatisfactory anſwer he returned to England.

Sunday was kept by all the ſectaries with a veneration which admitted of no kind of public amuſement. James, to ſhew a thorough contempt for ſuch opinions, licenſed the uſe of all ſports on that day. A liberty like this was quite contrary to the cuſtom of that time, and as diſagreeable to many of the moderate church-party as to the ſectaries; the archbiſhop of Canterbury oppoſed it ſo ſtrongly as to forbid the King's order for that purpoſe to be read in the church at Croydon. James winked at this affront, but revenged it on the miniſters in lower offices, who were ſeverely treated by the High-commiſſion court for the like refuſal.

Affairs of Holland. About this time the diſcord between the republican party in Holland, and that of the prince of Orange, ran very high. Barnevelt, the penſionary, was at the head of the former, and was ſupported by moſt of the men of property; the prince of Orange by the lower ſort. He did not find it difficult to perſuade a contemptible canaille that Barnevelt had entered into meaſures to betray the country to Spain; then, taking advantage of a jealouſy inſpired by his ſuggeſtions, having the command of the army, he marched into Utrecht, ſeized Barnevelt and Grotius, and ſent

ſent them to priſon; turned all the magiſtrates who were of the contrary faction out of their offices, filled up their places with the chiefs of his own party; and having thus ſecured votes, by the authority of the States General he erected an illegal court *, which condemned Grotius to perpetual impriſonment, and executed Barnevelt †. Anno 161

* This court had no legal juriſdiction over the United States; every province being a ſovereignty within itſelf.

† This great man, at his condemnation and execution, behaved with an undaunted ſpirit. On hearing his ſentence pronounced, which was loſs of life and confiſcation of goods, he made the following remark: "I have ſerved the Generality thirty-three years as advocate of Holland, and the town of Rotterdam ten years before, as penſionary: and for my fidelity and diligence deſerved better recompence. If you will have my blood, yet methinks you may ſpare my goods, without ruining, for my ſake, my wife and children." At this time, and at the moment of his execution, he diſplayed the ſame high mind which had ever marked his character: he prepared himſelf for the block in a manner, and with a precipitation which ſhewed an indignant haſte to loſe with life the memory of his ungrateful country. The following is a character of him drawn by a creature and ſervant of king James, Sir Ralph Winwood, who had tranſacted the Engliſh affairs in Holland ſeveral years: "I know Barnevelt well (writes he), and know that he hath great powers and abilities; and malice itſelf muſt confeſs, that never man hath done more faithful and powerful ſervice to his country than he."

Moreri gives the following account and character of this patriot: "Barneveldt, ſe rendit celebre par ſon habilité dans les negociations & par les grands ſervices qu'il rendit a ſa republique, a l'etabliſſement de la quelle il avoit beaucoup contribué. Henry IV. roi de France, Eliſabeth reine d'Angleterre, & preſque toutes les autres puiſſances de l'Europe, faiſoient un extrême cas de ce grand homme, qui avoit paſſé par les ambaſſades les plus celebres, & par les charges les plus importantes. Ayant été envoyé en qualité d'ambaſſadeur aupres de Henry IV. il detourna ce prince de faire la paix avec les Eſpagnols en 1598. On lui donne la gloire d'avoir degagé les places de la Brille, de Fleſſingue & de Rammekens des mains des Anglois, ce qui fut un coup tres avantageux pour eviter les effets de la haine & de la jalouſie

Anno 1617. Thus early did an indiſcreet confidence threaten the freedom of this infant ſtate; and thus early were its patriots ſacrificed to the ambitious views of the Orange family.

Synod of Dort. These acts of violence extorted a conſent for the meeting of a general ſynod to ſettle the former religious diſputes. All the reformed churches ſent their deputies to this aſſemby. James, who had acted as a party in the whole affair, ſent his

louſie de ſes ennemis, & ſurtout du prince d'Orange & de ſes partiſans. Il quitta ſa charge en 1608 mais ayant été rappellé par tous les Etats d'Hollande, il tranquilliſa les affaires, adoucit les eſprits, & les ramena tous a un meme ſentiment. En 1609 il avoit fortement conſeillé la trêve qui ſe conclut pour douze ans, entre l'archiduc & les Etats; & depuis il empecha par ſes ſoins que ces derniers ne priſſent part dans les troubles de Bohême. Maurice, prince d'Orange, qui ſouhaitoit que les Provinces Unies continuaſſent la guerre par ce quelle ſervoit a ſa fortune, en conçut du chagrin contre Barneveldt, & le fit eclater au ſujet d'Arminius & de Gomar miniſtres proteſtans, qui avoient des ſentimens differens ſur la predeſtination. Arminius ſe mit a la tête de ceux qu'on nomma Remontrans, & Gomar fut le chef des Contre-remontrans. Ces deux partis troublerent la tranquilité des Provinces Unies. Barneveldt ſe declara pour les premiers, qui ne demandoient que d'etre tolleres, & le prince d'Orange fut pour les autres, qui ne les vouloient pas ſouffrir. Le prince ſe trouvant le plus fort fit tenir en 1618 & 1619 le ſynode de Dordrecht, ou les Arminiens furent condamnez. Barneveldt ayant été pris eut la tête tranchée a l'age de 72 ans, ſous pretexte d'avoir voulu livrer le pays aux Eſpagnols, quoi qu'il le niât conſtamment, & qu'en effet on n'en eut trouvé aucune preuve dans ſes papiers. Son crime etoit d'avoir refuſé d'entrer dans le complot, a la faveur du quel le prince Maurice vouloit a ce qu'on dit ſe rendre maitre des Pays Bas, & d'avoit defendu la liberté de ſa patrie avec trop de zele. Il fut executé le 13 jour de May, 1619."

Thaunus gives the following teſtimony of him: "Que c'etoit un homme tres accredité par les charges qu'il avoit remplies, & par ſa grande experience dans les affaires." *Letters from and to Sir Dudley Carleton*, p. 193. *Moreri*, vol. II. p. 78. *Thuanus, edit. de la Haye*, 1740, p. 214.

also

alſo *. The upſhot of the buſineſs was a condemnation of the Arminian tenets; Vorſtius was Anno 1617.

* The following is a letter from Sir Dudley Carleton, reſident at the Hague, to ſecretary Naunton.

"Right Honorable,

"Your honor's letters of the laſt of Auguſt came to my hands by this bearer, William Dieſton, the fourth of this preſent, very opportunely to ſatisfy the prince of Orange, and ſuch of the States as reſted with great and earneſt deſire to know how his majeſty underſtood the apprehenſion of Barnevelt, with the reſt of their proceedings; wherein though they wanted before no comfort and encouragement I could give them in private, yet I thought it not fit, in preſence of their public deputies, to prejudge what ſhould come from his majeſty.

"To the ſame deputies (who, upon my deſire to ſpeak with them, came unto me by order of the States) I delivered the ſame day of the receipt of your honor's letters, what I had in commandment from his majeſty in approbation of their doings; and did let fall unto them, by way of diſcourſe, upon what point in particular his majeſty, having yet ſeen no more than their ſhort declaration which was publiſhed in print, did ground his judgment; in that it was apparent to his majeſty, by that which was preſented to his own view in the demand of aſſiſtance to the national ſynod, the States requiring one thing and Barnevelt another, quite oppoſite to their deſire, that he ran a courſe by himſelf, contrary to the public ſervice; whereupon they, confeſſing to have the like advertiſements from Paris and Heydelburgh, laid hold immediately, as a fit crime to charge him with, amongſt others of like nature.

"I took the liberty hereupon to tell them, that though Barnevelt had continued in his wonted ſtate and authority, yet I had charge from his majeſty to have let him know how ſtrange his majeſty found this manner of proceeding in a man of his place; that thereby it might appear unto them his majeſty did not ſway with the time, but that he ſaw and condemned his fault, even in the heighth of his fortune.

"To the prince of Orange I uſed the ſame day the like diſcourſe; and added farther theſe encouragements, which he might well take out of the conſtancy of his majeſty's favor, and the preſent condition of affairs; in both which he reſts ſo well ſatisfied, that by the help of the one he hopes, in ſhort time, to give perfection to the other." *Letters from and to Sir Dudley Carleton*, p. 290.

Anno 1617. deprived of the profeſſor's chair, and ſentenced to perpetual baniſhment *. George Carleton,

* This ſentence was paſſed upon him without his having been permitted to ſpeak for himſelf. Sir Dudley Carleton writes thus of this tranſaction: "I find there is a reſolution taken by the States not to cite Vorſtius to the ſynod, becauſe they much apprehend his entertaining that aſſembly with artificial interpretations and delays, and in the end deluding them with a counterfeit ſubmiſſion. But order is taken for the cenſuring his books in the ſynod, with intention afterwards (as they pretend) to proceed with his perſon by way of exile: for which I cannot undertake any thing, though it wants not my beſt endeavors, ſince Mathaneſſe (who was one of his protectors) had the boldneſs to ſay, when this matter was laſt in queſtion with the States of Holland, that it was tyranny ſo to proceed with him."

The Engliſh deputies at the ſynod of Dort were zealous promoters of the proſcription of Vorſtius: The preſident of the ſynod having aſked them, "Whether they approved that Vorſtius ſhould be cited to appear in the aſſembly? and what the King of England's pleaſure was in that point?" they anſwered, "That they muſt conſult his ambaſſador, and that they thought it would look very ill to condemn a man without hearing him." They added, "That to avoid delays, Vorſtius ought not to be permitted to defend himſelf, or explain his blaſphemous propoſitions; and that he ought not to be anſwered any otherwiſe than by Yes or No, nor aſked any queſtion but whether he was ready to abjure?" Afterwards, when the opinions were aſked concerning the ſentence to be paſſed upon Vorſtius, they declared him unworthy of the name and office of an orthodox profeſſor, deſired that his book *De Deo* ſhould be burnt, and read the decree which condemned that work to the flames in England.

Moreri writes thus on this condemnation: "Au reſte les Remontrans ſe pleingnirent hautement du ſynode, & publierent qu'on avoit procedé contr'eux d'une maniere contraire a l'equité; que l'on n'avoit admis au ſynode qu'un petit nombre des leurs; qu'on avoit refuſé les plus eclairez de leur parti; qu'on ne les avoit jamais ouï en corps, mais un a un comme des criminels, dont la ſentence etoit deja portée; qu'etant venus a Dordrecht ſous le ſauf-conduit qu'on leur avoit donnée, ils avoient été mis aux arrets pendant 7 mois entiers, contre toute parole donnée, de ſorte que le fils ne pouvoit pas voir le pere, ou la ſoeur s'entretenir avec ſon frere; que le preſident Bogerman leur ennemi, declaré avoit diſpoſé

biſhop of Landaff proteſted againſt the article in the Belgic creed which affirmed an equality in all the miniſters of God: but, however, James's influence, from the buſy part he had acted in the diſpute, was ſo great that his deputies, who were all of them dignitaries, were complimented with a preſent of two hundred pounds a-piece, a golden medal, and an acknowledgment of the excellency of the conſtitution of the church of England, with a regret that the conveniency of their own ſtate did not admit of the ſame ſyſtem of ſubordination *. Anno 1617.

An event now offers, which, with all its variety of circumſtances, expoſes to the reader a ſubject for contempt, averſion, pity, and applauſe. The univerſal genius of the admired Sir Walter Raleigh had found, from his misfortunes, an opportunity to enlarge itſelf in the complete review of paſt and diſtant time: under the oppreſſive circumſtance of a priſon, he had undertaken and executed the laborious plan of an univerſal hiſtory. But, great as were his abilities, great as were their improvements, he had not yet attained to that exquiſite judgment which diſtinguiſhes what is truly deſirable from what is vul-

diſpoſé les choſes uniquement pour les opprimer; que les ſecretaires du ſynode avoient été choiſis parmi les adverſaires des Remontrans; que Heinſius les haiſſoit. Mais ils ſe recrierent ſur tout, ſur ce que la ſentence portée contr'eux les condamnoit a être privez de toutes les fonctiones eccleſiaſtiques & academiques; & que quelques uns d'eux avoient meme été exilez."

A letter from Mr John Hales to Sir Dudley Carleton ſhews that theſe complaints of the Remonſtrants were juſtly founded. *Carleton's Letters*, p. 321, 358. *Bayle's Dict.* 1738, vol. V. p. 514. *Moreri*, xviii. *ed. Amſt.* vol. III. p. 129, dans l'article Dordrecht (Synododæ).

* This compliment was extraordinary, as it was oppoſite to the late confirmed article of their belief.

Anno 1618. garly esteemed so; unsatisfied with ease, unsatisfied with fame, he still affected courts and their disgraceful dependencies. Though used with a barbarous indignity by his sovereign, he seized on every opportunity to offer his services. Much useful and ingenious advice he had given on many occasions, particularly in regard to forming the mind of prince Henry; a sickness of the queen procured him the means of ingratiating himself, by undertaking the restoration of her health, from the power of medicines of his own composing, the result of an unlimited knowledge. These little arts, and the general applause of the nation, forced from James a farther mitigation of his unjust treatment: The enjoyment of his lands was restored to him, and some indulgencies as to liberty. The considerable estate of Sherburn had been secured to his family by a former conveyance which Raleigh had made to his son: the omission of a word in the deed of conveyance made a flaw in young Raleigh's title; this flaw reverted the forfeited lands to the crown; the rapacious Somerset was informed of it, and begged it for himself. Raleigh's wife petitioned James on the occasion: the answer which he returned was, "I mun ha the lands, I mun ha the lands for Car *."

The Life of Sir W. Raleigh by Dr. Birch, 1751, p. 65.

Mallet.

* On this occasion Somerset was addressed in the following pathetic strain by Sir Walter Raleigh.

"And for you, Sir, seeing your fair day is but in the dawn, mine drawn to the setting, your own virtues and the King's grace assuring of many fortunes, and much honor; I beseech you begin not your first building upon the ruins of the innocent, and let not mine and their sorrows attend your first plantation. I have ever been bound to your nation, as well for many other graces as for the true report of my trial to the King's majesty; against whom had I been malignant, the hearing of my cause would not have changed enemies into friends, malice into compassion, and the minds of the greatest

Anno 1618. Raleigh's expedition.

The late coolneſs between the courts of England and Spain had produced an opportunity for Raleigh, who now enjoyed full liberty, to offer a project which promiſed a recruit to his broken fortunes, and flattered the inſatiable avarice of the King. He had formerly made a voyage to Guiana, and, from his experience of the country, had entertained a belief that its bowels contained inexhauſtible riches. He had actually marked particular parts of the territory, in which he fancied were mines of gold. The plan of an expedition which promiſed mountains of wealth was received with eagerneſs by James; though at the ſame time he aſſured Sarmiento, the Spaniſh ambaſſador, that Raleigh ſhould be bound up by his commiſſion from all hoſtilities towards the ſubjects of Spain, and that if any were committed he ſhould be delivered up to the reſentment of his Catholic majeſty. The commiſſion was made out on the twenty-ſixth of Auguſt: It

greateſt number then preſent into the commiſeration of mine eſtate. It is not the nature of foul treaſon to beget ſuch fair paſſions; neither could it agree with the duty and love of faithful ſubjects (eſpecially of your nation) to bewail his overthrow who had conſpired againſt their moſt natural and liberal lord. I therefore truſt, that you will not be the firſt who ſhall kill us outright, cut down the tree with the fruit, and undergo the curſe of them who enter the fields of the fatherleſs; which, if it pleaſe you to know the truth, is far leſs in value than in fame: But that ſo worthy a gentleman as yourſelf will rather bind us to you (being ſix gentlemen, not baſe in birth and alliance) who have intereſt therein; and myſelf, with my uttermoſt thankfulneſs, will remain ready to obey your commandments."

James had been at length prevailed on to give Sir Walter Raleigh's wife and ſon eight thouſand pounds for this eſtate of Sherburn. This eight thouſand pounds he calls in his declaration a competent ſatisfaction for all Sir Walter Raleigh's eſtates. *Cabala*, p. 356. *Raleigh's Life by Dr. Birch*, p. 64.

Anno 1618. contained no caution againſt attacking the Spaniards, and it would have been abſurd to ſuppoſe the deſign could be accompliſhed without meeting with an oppoſition which would neceſſitate the infringement of ſuch a reſtraint.

Raleigh's Life by Dr. Birch,

Raleigh ſet ſail on the fourteenth of Auguſt, 1618. His fleet conſiſted of fourteen ſhips, all fitted out by private perſons *. After a tedious voyage the adventurers reached the coaſt of Guiana; they had experienced the diſtreſſes of ſtorms, ſickneſs, and want of water. New obſtacles now oppoſed the acquiſition of the golden fleece: The river Oroonoko was found too ſhallow for the large ſhips to ſail up; a diviſion of the force was unavoidable; the ſmaller veſſels, with a detachment of three hundred men, were ſent in queſt of the mine, whilſt the chief commander, Raleigh, ſtaid behind with the larger ones, to receive, in caſe of an attack, the Spaniſh galleons, which were daily expected. The detachment was commanded by his ſon, and the pilotage was entruſted to his old friend Keymis, who had ſome knowledge of the coaſt. On their landing at the appointed place, they were briſkly attacked by the ſoldiers of a garriſoned town newly built by the Spaniards; they repulſed the enemy, took, plundered, and burnt their town; but not without the loſs of many of their men, and their captain the young Raleigh. Among the plunder were found papers which contained the whole of Raleigh's ſcheme: they had been ſent to Spain by Sarmiento, to whom James had had the weakneſs to communicate it. The know-

* In this venture Raleigh hazarded the wrecks of his broken fortune, beſides an eſtate which his wife had complaiſantly given up to him for this purpoſe. *Raleigh's Life by Dr. Birch*, p. 72.

ledge

ledge of this particular ſo enraged the ſoldiers, that, refuſing to be conducted farther by Keymis, they returned to the place where their commander lay, without having attempted any mine. Raleigh, before the arrival of his forces, had heard the news of his accumulated misfortunes; misfortunes no leſs ſevere than the death of his ſon, the blaſt of his hopes, and the danger of his life from the violence committed on the Spaniſh town. In vain did Keymis attempt an excuſe for the fatal miſadventure: Raleigh's chagrin was too great to allow any: Keymis, in deſpair, put an end to his life; and this increaſed the perplexity of the unhappy adventurer, who loſt in Keymis an evidence to juſtify the integrity of his conduct. A mutiny amongſt the crew ſucceeded theſe diſorders: Some were for returning to England, ſome againſt it. The unfortunate Raleigh was of the former opinion; and combating the other, prevailed ſo far as to bring his remaining force home. James was ſoon made acquainted with all the circumſtances of the miſcarriage; and the artful Sarmiento did not fail to work upon his diſappointment by repreſenting, in lively colors, a war between the two nations, and an eternal breach of the marriage-contract. Inflamed and frightened by theſe inſinuations, James iſſued out a proclamation declaring an abhorrence of what had been tranſacted, and condemned the cauſe unheard. Notwithſtanding the proclamation, Raleigh landed at Plymouth; and, after having ſurrendered himſelf, wrote a pathetic letter to James, in which he ſtated the caſe in a clear and juſt light *. But James was not to be

Anno 1618.

Raleigh's return.

* The following is Raleigh's letter to James on this occaſion,

"May

Ann. 1618. moved by conſiderations of juſtice or compaſſion; the fear of a rupture with Spain was his

"May it pleaſe your moſt excellent majeſty;

"If in my journey outward-bound I had my men murdered at the iſland, and yet ſpared to take revenge; if I did diſcharge ſome Spaniſh barks taken, without ſpoil; if I did forbear all parts of the Spaniſh Indies, wherein I might have taken twenty of their towns on their ſea-coaſts, and did only follow the enterprize I undertook for Guiana, where, without any directions from me, a Spaniſh village was burnt, which was new ſet up within three miles of the mine; by your majeſty's favor, I find no reaſon why the Spaniſh ambaſſador ſhould complain of me.

"If it were lawful for the Spaniards to murder twenty-ſix Engliſhmen, tying them back to back, and then cutting their throats, when they had treated with them a whole month, and come to them on the land without ſo much as one ſword; and it may not be lawful for your majeſties ſubjects, being charged firſt by them, to repel force by force; we may juſtly ſay, O miſerable Engliſh!

"If Parker and Mecham took Campechie and other places in Honduras, ſeated in the heart of the Spaniſh Indies, burnt towns, and killed the Spaniards, and had nothing ſaid to them at their return; and myſelf, who forbore to look into the Indies, becauſe I would not offend, muſt be accuſed; I may as juſtly ſay, O miſerable Raleigh!

"If I have ſpent my poor eſtate, loſt my ſon, ſuffered by ſickneſs, and other ways a world of hardſhips; if I have reſiſted with manifold hazard of my life, the robberies and ſpoils with which my companions would have made me rich; if, when I was poor, I could have made myſelf rich; if, when I had gotten my liberty (which all men and nature itſelf do much prize) I voluntarily loſt it; if, when I was ſure of my life, I rendered it again; if I might elſewhere have ſold my ſhip and goods, and put five or ſix thouſand pounds in my purſe, and yet brought her into England; I beſeech your majeſty to believe, that all this I have done, becauſe it ſhould not be ſaid that your majeſty had given liberty and truſt to a man whoſe end was but the recovery of his liberty, and who had betrayed your majeſty's truſt.

"My mutineers told me, that if I returned for England I ſhould be undone; but I believed in your majeſty's goodneſs more than in all their arguments. Sure I am the firſt, that being free and able to enrich myſelf, yet hath embraced poverty and peril; and as ſure I am that my example ſhall make

only actuating principle; and that power thought it of the utmoſt conſequence to get ſo material a point adjudged in its favor. Anno 1618.

The death of Raleigh was to be the cement of friendſhip between the two courts: how to compaſs it with the appearance of legality was the only remaining queſtion. It is thought that Sarmiento was the perſon who inſtigated the cutting him off upon his former ſentence, although the kind of underſtanding which James poſſeſſed might have furniſhed him with ſuch an invention. Raleigh had actually, before he ſet out on his expedition, an offer of the procurement of a pardon for the ſum of fifteen hundred pounds; but Bacon * had diſſuaded him from this ſalutary meaſure, by repeated aſſurances that the power given him by his commiſſion would be conſtrued, in the eye of the law, a ſufficient one. His preſent ſituation grew ſo intereſting and menacing, that he at length gave way to the repeated inſtances of his friends, and attempted his eſcape: but his heart failing him, even after he had got into the boat which was to convey him to a bark ſecured for the purpoſe, he re-ſurrendered himſelf. Then, after a conviction that his fate was already determined, in a fit of deſpair he applied to one Manourie, a quack, to aſſiſt

make me the laſt. But your majeſty's wiſdom and goodneſs I have made my judges; who have ever been, and ſhall ever be,

Your majeſty's moſt humble vaſſal,

Walter Raleigh."

* Bacon, in a letter to James, urges the taking him off upon his ſentence for treaſon, as the only judicial way of proceeding againſt him. *Original Letters, &c. by Dr. Birch*, p. 182, 183.

him

Anno 1618. him in a ſecond attempt: In order to effect it, Manourie gave him drugs which flung out upon the whole ſurface of his body innumerable blotches and boils; and Raleigh, to forward the ſucceſs of the plan, condeſcended to many unmanly meanneſſes. They ſo far prevailed, that, on account of his apparent ill ſtate of health, he was ſuffered to repair to his own houſe; but Manourie betrayed the ſecret to Stuekly, his inveterate keeper, who, though a near relation, had been ſent down to Plymouth by the court for the double purpoſe of inveigling him to land, and to guard him afterwards. Stuekly, in conſequence of private orders, ſeemed to encourage the deſign, and received a conſiderable ſum from Raleigh to forward it. The French ambaſſador alſo offered him the protection of his maſter, and a veſſel to carry him to France; theſe tranſactions were ſuffered by Stuekly, and betrayed: the treacherous diſſimulation was carried ſo far, that he accompanied Raleigh into a boat, which was immediately beſet by the officers of the court. Stuekly * had the hardened aſſurance to own the deceit, and carried his kinſman a priſoner to the Tower. The buſineſs of the council was to render Raleigh's tranſactions odious to the people; they particularly enlarged on the intention of making an eſcape to France. The declaration James publiſhed on this head begins thus: "That kings are not bound to give account of

* This infamous wretch was taken in the fact of clipping the very coin he had received as a reward for his perfidiouſneſs. He was condemned to be hanged for the offence, and was driven to the ſtreight of ſelling to his ſhirt to purchaſe a pardon. He withdrew himſelf from the odium of mankind to the iſland of Lundy in the Severn, where he died mad, in leſs than two years after Sir Walter Raleigh's execution. *Sir Walter Raleigh's Life by Dr. Birch*, p. 87.

their

their actions to any but God; however, he declares, that he is willing to repreſent his proceedings in this caſe to the world. It then urges ſeveral charges againſt Sir Walter Raleigh; among others, that the mine of Guiana was a mere fiction; that Raleigh's original and only deſign was to plunder the Spaniſh ſettlements, and to ſurpriſe their fleets; that he had formed a cruel purpoſe to leave the land-ſoldiers on ſhore at Guiana; that, after the defeat of his deſigns, he had no intention to return home, but to go to the Eaſt-Indies, or to ſettle at Newfoundland; that, after his arrival in England, he contrived ſeveral ſtratagems to eſcape. The King affirms in this declaration, that he, in his own princely judgment, gave no belief to Sir Walter's aſſertions, that he had ſeen and tried the gold ore of the mine of Guiana, as being perſuaded that in nature there were no ſuch mines of gold entire, or that the Spaniards, ſo induſtrious in the chace of treaſure, would not have neglected it ſo long *." Raleigh compoſed an unanſwerable apology for his conduct, but was reduced to beg, though in vain, the interceſſion of the favorite. On the eighteenth of October, and in the ſixty-ſixth year of his age, he was taken out of his bed, though in a fit of an ague, and brought to the King's Bench. He attempted to make a defence, by explaining the juſtneſs of his conduct in the expedition; but was interrupted by the court, Anno 1618.

* This is an extraordinary acknowledgment of James: the allowing a ſubject to go out on a deſign which he ſtrongly ſuſpected to be an illegal one, and when the penalty of the crime was to be loſs of life. But though James affirms that he gave no credit to the reality of the mines, yet, in his commiſſion, he takes care to ſecure to himſelf a full fifth of all the gold which ſhould be found in them.

who

Anno 1618. who told him, that the matter of the voyage had nothing to do in the preſent caſe, and that treaſon could not be pardoned by implication. After ſentence was pronounced, he addreſſed the court in very pathetic terms for a reſpite of execution for a few days, that he might ſettle his private affairs, and vindicate his reputation. An order was produced, ready ſigned by James, though at that time in Hertfordſhire, for his execution the next morning. Barbarous as was this haſte, it had no effect on the preſent compoſed mind of Raleigh. His manly philoſophical deportment, during the interval of his ſentence and execution, was admirable; nor leſs ſo was his behavior on the ſcaffold: He denied, with an awful appeal to God, the heavy charges * which had been

His fatal end.

* That Raleigh was innocent of many of the invidious calumnies with which he is loaded by the King's declaration, is, I think, a matter of ſmall doubt. Firſt, there are the proteſtations of a dying man, ſtrengthened by aſſeverations not likely to be uſed for the purpoſes of deceit, in ſo tremendous a ſituation. Secondly, arguments to be drawn from the nature of the thing.

1ſt. If Sir Walter Raleigh had no other view in the expedition but to enrich himſelf by piracy, and that the prime object had been the plunder of the Spaniſh town lately built on the coaſt of Guiana, it is improbable that the attainment of that end would have thrown him and his friend into ſo terrible a conſternation, as to induce the one to deſtroy himſelf, and the other to prepare for flight; which intention of flight is one of the facts alledged againſt him in the King's declaration.

2dly. The plunder of a ſingle town was too contemptible an object for the hazard and danger of ſo long a voyage. If there were more places to plunder on the ſame coaſt, and that plunder was the end, why not attempt any other? it may be alledged that the town was thought to contain vaſt riches, that little was found there, and that the deſpair aroſe from this diſappointment. But what could induce a ſuppoſition of ſuch riches? not the induſtry of the Spaniards; it muſt be the perſuaſion of mines poſſeſſed by them, and to be diſcovered

laid againſt him; then fitting himſelf with compoſure for the axe, he received the fatal blow Anno 1618.

diſcovered by the adventurers. The deſign of Raleigh could not be a general plunder and acknowledged piracy, for he was never taxed with making any propoſitions of ſuch a tendency; and indeed it would have been a very abſurd chimera to have ſuppoſed that the gentlemen of fortune and family which he had under his command would have left their country and home-enjoyments for ever, to follow an idle adventurer in the conſtant purſuit of a precarious gain, to be attained with innumerable hardſhips, difficulties, and dangers. Could there have been any criminal circumſtance proved againſt him, why not put his life on that iſſue? why cut him off upon his former ſentence? That he had no certain knowledge where lay the mine, is not to be doubted; that he knew of the town lately built by the Spaniards is clear from his inſtructions to Keymis; but that the only propoſed end of ſo expenſive a preparation, and ſo tedious a voyage, was the plunder of a few Spaniſh towns on the coaſt of Guiana, is very improbable.

Raleigh was a dupe to his own over heated imagination, and over-reached in the whole affair by the low cunning of James. His diſpoſition for adventures had always been expenſive to him: During the reign of Elizabeth, the diſcovery of Virginia had coſt him forty thouſand pounds. He had alſo ſent out ſeveral ſhips to the territory of Guiana, for information concerning that country and the ſuppoſed mines. Theſe circumſtances, which ſhew the vanity of his purſuits, are evidences to prove the integrity of his deſigns in this laſt fatal attempt. The only clew to reconcile the many contradictions which a variety of circumſtances throw upon this affair, is, to ſuppoſe that Raleigh had a real confidence of finding mines on that coaſt, and depended on their treaſures as an excuſe for the hoſtilities committed in their attainment; and that James ſent him out with a halter about his neck, to be either the means of filling his coffers, or the expiatory ſacrifice for the reſentment which the attempt might draw from Spain. Raleigh's Life by Dr. Birch.

The ſtrongeſt circumſtance which appears againſt Raleigh's having a confidence in the diſcovery of a mine, is an accuſation of his not having taken ſufficient implements for the purpoſe of mining. But is it certain that this accuſation is grounded upon fact? or, if it was, might it not proceed from neglect, or any other reaſon than the aſcribed one?

would

Anno 1618. with an indifference which left ſtrong impreſſions of veneration on the beholders.

would a man of Raleigh's ingenuity, going out with an intention to deceive, have ſuffered ſuch an argument to be produced againſt him? His being entirely ſilent on the ſentence of treaſon, on which he actually ſuffered, ſtrengthens the evidence of his ſtrong aſſeverations on the article of the mine; for had he been determined to clear himſelf, and load his enemies, by daring perjuries in ſo tremendous a ſituation, why make any diſtinctions? why not attempt to clear himſelf by the ſame means of all the aſperſions which were not undeniably proved againſt him?

The King's declaration on the ſubject of Raleigh's execution is drawn up in ſo poor a manner that it evidently expoſes the falſeneſs of its aſſertions: Whereas the unfortunate Keymis put an end to his life, from deſpair occaſioned by the cold reception he met with from Sir Walter Raleigh; the declaration ſays, "It was much obſerved, that after that unfortunate return of Keymis, notwithſtanding Sir Walter Raleigh did publicly give out that he would queſtion him for failing to proſecute the mine, he had him at dinner and ſupper, and uſed him as familiarly and as kindly as before."

One of the allegations in this declaration is, "That Sir Walter Raleigh's conſcious guilt made him apprehend that he ſhould, on his coming to London, be again impriſoned in the Tower." Immediately after this we meet with a contradictory aſſertion: "That his countenance was much altered when he ſuſpected this fate from the reading Stuekly's commiſſion from the privy-council; that the door being half open, Manourie ſaw this alteration from the ſtair-head (Raleigh being alone in his chamber); that he ſtamped with with his feet, and pulled himſelf by the hair, ſwearing in theſe words, "God's wounds, is it poſſible my fortune ſhould return upon me thus again?"

James attempts to prove that there was no deceit uſed to trepan Sir Walter Raleigh into cuſtody; but Stuekly, in an apology he made for his conduct, avers, that in uſing craft he did but perform the commiſſion he had from the court.

In the King's declaration is a minute deſcription of Raleigh's ſham illneſs, and the ſhifts this great man was enforced to practiſe in his endeavours to ſave his life. A prince here exults over an unfortunate ſubject, caught in the trap which he had lain for him, and cruelly triumphs in the accidental

The favorable opinion the whole nation, and even James himſelf, had of the man he had ſo meanly and unjuſtly ſacrificed, is to be ſeen in ſome paragraphs of a letter which Buckingham wrote to Cottington, James's agent at the court of Spain. "His majeſty, ſaith Buckingham, hath given them ſo many teſtimonies of his ſincere intentions towards them, which he daily continueth, as now of late by the cauſing Sir Walter Raleigh to be put to death, chiefly for the giving them ſatisfaction. His majeſty hath ſtrained upon the affections of his people, and eſpecially concerning Sir Walter Raleigh. Farther, Anno 1618.

cidental weakneſſes of a man whom he had reduced into one of thoſe intereſting ſituations which are the ſevereſt trials of human fortitude.

The following is the reaſon the King gives for taking him off upon his former ſentence: "And becauſe he could not by law be judicially called in queſtion, for that his former attainder of treaſon is the higheſt and laſt work of the law (whereby he was *civiliter mortuus*) his majeſty was enforced (except attainder ſhould become privileges for all ſubſequent offences) to reſolve to have him executed upon his former attainder."

The pitiful evaſion of this excuſe is eaſily ſeen through, ſince, if the King had been willing to have put his life upon the judgment of his country, he might have given him a pardon on his former condemnation, and afterwards tried him on the accuſation of piracy; but James did not chooſe to truſt the affair to this iſſue. Circumſtances were entirely changed ſince the time when Raleigh was tried for treaſon, and this period of James's reign. Raleigh's cauſe was at preſent a popular one, and James had now loſt that influence which was attained by the novelty of his perſon and government; an influence which, in the caſe of Raleigh, occaſioned one of the moſt iniquitous ſentences which ſtand on the records of this country. *His Majeſty's Reaſons for his Proceedings againſt Sir Walter Raleigh, in Somers's third Collection of Tracts*, 1751, p. 166, & *ſeq.* *Sir Lewis Stuckly's Apology, entitled, The Humble Petition and Information of Sir Lewis Stuckly, &c.* ibid. p. 215, & *ſeq.*

Anno 1618. you may let them know how able a man Sir Walter Raleigh was to have done his majeſty ſervice, if he ſhould have been pleaſed to employ him; yet, to give them content, he hath not ſpared him, when by preſerving him he might have given great ſatisfaction to his ſubjects, and had at command, upon all occaſions, as uſeful a man as ſerved any prince in Chriſtendom *."

Raleigh was the younger brother of a good family, and diſtinguiſhed himſelf both in the ſea and land ſervices. His artful addreſs recommended him early to the favor of Elizabeth, and he maintained it to her death, in oppoſition to the frequent prevalency of a contrary faction. On the fair opportunity which the acceſſion of the Stewarts offered, ſome articles were by him intimated to reſtrain the prerogative: Cecil, to make his court effectually, and cruſh the man whoſe ſuperior talents were the objects of his envy and his fear, fruſtrated the attempt, and diſcovered it to James. Hence ſprung the primary motive of that hatred which at length brought this reſpectable genius to a premature fate. On his trial for treaſon, Cecil, though of the ſame faction, and an avowed friend, appeared with the invidious malice of an inveterate enemy. The ſentence of death then paſſed upon him was extorted with an apparent violation of thoſe laws which guard the lives of the ſubjects †; Coke,

* James, as Buckingham here aſſerts, ſacrificed to the unreaſonable demands of Spain one of his beſt and moſt uſeful ſubjects. But the king of Spain, notwithſtanding the repeated ſolicitations of James's ambaſſador, refuſed to deliver up to judgment every Engliſh criminal who had taken refuge in Spain.

† Sir John Hawles, ſolicitor-general to king William, writes thus on the circumſtances of Sir Walter Raleigh's trial: "I would know by what law is the depoſition of a perſon,

the attorney-general, proteſting, that if circumſtances alone were not valid in the caſe of treaſon, the crown could not ſtand one year on the King's head. Anno 1618.

Raleigh, at different times of his life, taſted both of the hatred and eſteem of the public. He was extremely odious to the people at the time of his trial, on the ſuppoſition of his having been one of the principal promoters of the death of Eſſex: His after-ſufferings, his philoſophical deportment, his literary merit, and unjuſt execution, turned the tide of envy to reſpect, love, and compaſſion. The character of Sir Walter Raleigh merited neither of theſe extremes: His apprehenſion was quick, his parts ſubtle; he had an indefatigable induſtry, and a great command of temper; but his judgment was clouded with partial views of ſelf-intereſt, and the ſervile prejudices of the times: though guiltleſs of any atrocious crimes, yet his morals had taken a deep tint from the vices of a court. His ſhining qualities dazzle the judgment, and extort a complacency for his foibles; but his virtues were not of the ſtamp to merit genuine applauſe. His character.

perſon, who might be brought face to face to the priſoner, read as evidence; I would know by what law it is forbidden, that the accuſer ſhould be brought face to face to the accuſed; I would know by what law Brook's depoſition of what the lord Cobham told him of Raleigh was evidence againſt Raleigh; I would know by what law the ſtory Dyer told of what an unknown man ſaid to him at Liſbon of Don Raleigh was evidence againſt Raleigh; I would know by what ſtatute the ſtatutes of the twenty-fifth of Edward III. and fifth of Edward VI. are repealed."

CHAP. VI.

Negotiations with Spain.——Commotions in Germany.——Prince Palatine elected king of Bohemia.——Bohemia invaded.——Ruin of the Palatinate.——Parliament.——Fall of Bacon.——Proteſtation of the Commons.——Diſſolution of the Parliament.

Anno 1618. THE death of Raleigh heightened that diſtaſte which the public had long conceived to James: To execute a man of merit upon a ſentence originally illegal; a ſentence whoſe rigor had been already felt in the loſs of a large fortune, and a fifteen years impriſonment; a ſentence which had been underſtood to have been pardoned by the truſt and command lately conferred; was looked on as an inſtance of the utmoſt cruelty and injuſtice: to do this upon the motives of gratifying the Spaniards, in a point on which they had ſmall pretenſions, as an inſtance of the utmoſt meanneſs; and this to forward an alliance which the whole nation deteſted, excited an indignation and contempt which nothing but the imbecility of the times prevented from riſing to a height which would have ſhook the firmeſt foundation of that divine right which can commit folly, crimes, and injuſtice with impunity.

In the ſame proportion as was James's diſregard to the good of the nation, roſe his attachment to worthleſs individuals. Buckingham now enjoyed his favor to a height of extreme dotage: In his perſon centered every kind of honor in which a ſubject could be gratified; on his caprice depended the preferment of the ableſt men in the

the three kingdoms; and to his inexperience, levity, and ignorance, were confided the whole powers of government. Anno 1618.

Suffolk, the only remaining weed of Somerſet's planting, was now removed for a new growth. His well-known rapaciouſneſs gave a juſt handle for his proſecution; Coke, who perſonally hated him, had the management of it. He had been re-taken into favor on a mean application to the minion, whoſe countenance he had courted by the ſacrifice of his daughter, a great beauty with a large fortune, to his brother, Sir John Villiers. This match had been propoſed to Coke before his diſgrace, and rejected with marks of contempt; he afterwards entreated ſubmiſſively the alliance, and offered an acquieſcence to any terms of ſettlement which the party ſhould approve. Bacon, who had now attained the chancellorſhip *, was another of Suffolk's Suffolk proſecuted.

* Villiers, at the time he obtained the ſeals for Bacon, ſent him a meſſage by a gentleman to the following purport: "That he knew him to be a man of parts, and, as the times were, fit to ſerve his maſter in the keeper's place; but he alſo knew him of a baſe ungrateful diſpoſition, and an arrant knave, apt in his proſperity to ruin any who had raiſed him in his adverſity. Yet, for all this, knowing how fit an inſtrument he might be for his maſter, he had obtained the ſeals for him; but with this aſſurance, ſhould he ever requite him as he had done ſome others, to whom he had been more bound, he would caſt him down as much below ſcorn as he had now raiſed him high above any honor he could have expected."

This charge refers to Bacon's ungrateful treatment of his firſt patron, the earl of Eſſex. This nobleman had applied with all the warmth of friendſhip to Elizabeth for the place of ſolicitor-general for Bacon: On meeting with a refuſal, he would needs make up the diſappointment out of his own private fortune, and beſtowed upon him the gift of Twickenham-park, which was afterwards ſold at an under price for the value of eighteen hundred pounds. When Eſſex fell under the diſpleaſure of the court, Bacon, who was one of

Anno 1618. ſevere antagoniſts. Coke conducted the proſecution with an ability and acrimony peculiar to the queen's counſel, managed a charge againſt him before an aſſembly of counſellors, judges, and peers, concerning a book which had been lately dedicated to him. It was an hiſtory of the firſt year of king Henry IV. and being written with freedom, Elizabeth wanted to have ſome of the paſſages brought into the caſe of treaſon. On Eſſex's attainder, Bacon was again employed againſt his generous patron; and, after his unhappy fate, the ſame Bacon, by the queen's command, drew up and publiſhed a declaration, ſetting forth the crimes and miſdemeanors of the ſaid earl. A behavior ſo unjuſtifiably ſcandalous drew upon Bacon a general deteſtation, which was not extinguiſhed during his whole life, nor can his memory be exempted from it, whilſt any generous qualities remain in the human ſpecies.

Weldon gives the following account of Bacon's abſurd and mean conduct after he had obtained the ſeals, viz. "Now was Bacon inveſted in his office, and, within ten days after, the King goes to Scotland. Bacon inſtantly begins to believe himſelf King; lies in the King's lodgings, gives audience in the great banqueting-houſe, makes all other counſellors attend his motions, with the ſame ſtate the King uſed to come out to give audience to ambaſſadors; when any other counſellor ſat with him about the King's affairs, would, if they ſat near him, bid them know their diſtance; upon which ſecretary Winwood aroſe, went away, and would never ſit more under his encroached ſtate, but inſtantly diſpatched one to the King, to deſire him to make haſte back, for even his very ſeat was already uſurped. In this poſture he lived until he heard the King was returning, and began to believe that the play was almoſt at an end, he might perſonate a King's part no longer; and therefore did again re-inveſt himſelf with his old rags of baſeneſs, which were ſo tattered and poor at the King's coming to Windſor. He attended two days at Buckingham's chamber, being not admitted to any better place than the room where trencher-ſcrapers and lacquies attended; there ſitting upon an old wooden cheſt, with his purſe and ſeal lying by him on that cheſt. After two days he had admittance: At firſt entrance he fell down flat on his face at the duke's foot, kiſſing it, vowing never to riſe till he had his pardon; then was he again reconciled; and ſince that time was ſo very a ſlave to the duke, and all that family, that he durſt not deny the command of the meaneſt of the kindred, nor oppoſe any thing."

If

himſelf: Suffolk was accuſed in the Star-chamber, and convicted of mal-adminiſtration in his office. His ſentence was confinement in priſon during the King's pleaſure, and a fine of thirty thouſand pounds. The loſs of the treaſurer's ſtaff preceded it. Anno 1618.

If this tale is told with exaggerations, it muſt be allowed that it has a foundation in reality. Bacon had certainly diſobliged Winwood, James, and Buckingham, during the King's reſidence in Scotland. Through motives of jealouſy, he had violently oppoſed the match between Coke's daughter and Sir John Villiers. He had gone ſo far in his oppoſition as to threaten Winwood with a premunire for granting a warrant to ſearch for the lady, who had been ſecreted by her mother to prevent the match; and had ventured to write a letter to James, in which he repreſented the intended union as a thing which might prove detrimental to himſelf and favorite. James returned a very angry epiſtle, and Bacon began to find himſelf in a precarious ſituation. He was informed by Sir Henry Yelverton, that Buckingham had openly ſaid, "He repented the having raiſed him ſo high; that the ingratitude with which he had behaved to the earls of Eſſex and Somerſet was an inveterate cuſtom in him;" That it was common in every courtier's mouth, that his greatneſs ſhould be abated; and, as his tongue had been a razor to ſome, it would be retaliated on him; That there were laid up for him many petitions againſt him to his majeſty; That Buckingham had ſaid, "That he would not ſecretly bite; but whoſoever had any intereſt, or taſted of the oppoſition to his brother's marriage, he would openly oppoſe them to their faces, and they ſhould diſcern what favor he had by the power he would uſe."

Bacon wrote many ſubmiſſive letters to the King and favorite, without receiving any aſſurances of forgiveneſs. One of the letters he wrote to the King on this occaſion ends in the following ſtrain; "And ſo expecting that that ſun, which, when it went from us, left us cold weather, and now it is returned towards us, hath brought with it a bleſſed harveſt, will, when it cometh to us, diſpel and diſperſe all miſts and miſtakings." *Weldon. Mallet's Life of Bacon. Bacon's Apology. Original Letters by Dr. Birch*, p. 139, *& ſeq. Cabala*, p. 57.

Anno 1618. Negotiation with Spain.

The council was now brought to an entire approbation of the Spaniſh match: and Sir John Digby, by commiſſion under the great-ſeal, was authorized to treat and conclude the marriage. Sarmiento had been recalled to Spain to give an account of his negotiation: That court was ſo pleaſed with his conduct in procuring Raleigh's death, that they gratified him with the title of count Gondemar, and ſent him back with powers to carry on the negotiation. Five leading articles were at length agreed on between the two monarchs:

Ruſhworth.

I. That the pope's diſpenſation be firſt obtained by the mere act of the king of Spain.

II. That the children of this marriage be not conſtrained in matters of religion, nor their title prejudiced, in caſe they prove Catholics.

III. That the infanta's family, being ſtrangers, may be Catholics, and ſhall have a decent place appointed for divine ſervice, according to the uſe of the church of Rome; and the eccleſiaſtic and religious perſons may wear their proper habits.

IV. That the marriage ſhall be celebrated in Spain, by a procurator, according the inſtructions of the council of Trent; and, after the infanta's arrival in England, ſuch a ſolemnization ſhall be uſed as ſhall make the marriage valid according to the laws of this kingdom.

V. That ſhe ſhall have a competent number of chaplains, and a confeſſor, being ſtrangers; one whereof ſhall have power to govern the family in religious matters.

It is eaſy to diſcover that the firſt article was framed for the double purpoſe of protracting the treaty,

treaty, and as an excuſe for the entire breaking it, whenever the affairs of Spain made it their intereſt to put an end to the deceit. But ſuch was the ardor and ſuch the infatuation of James, that, for fear of interrupting the treaty by any exceptions, he neglected a critical opportunity to oblige the Spaniard to declare himſelf in a manner which could not be evaded. Anno 1618.

A commotion this year broke out in Germany, which threatened the entire ruin of the Proteſtants, and bid fair for a general re-eſtabliſhment of that eccleſiaſtical ſervitude from which part of the inhabitants had been lately delivered. In the ſtate of Bohemia the tenets of the reformed church prevailed; as the regal dignity was elective, they had obtained, from the favor of this circumſtance, eſſential privileges in the point of religion *. The emperor Matthias poſſeſſed the crown of Bohemia; to pleaſe the Catholics he adopted his couſin-german Ferdinand, archduke of Gratz, for his ſucceſſor. Ferdinand was of the younger branch of the houſe of Auſtria; zealouſly bigotted to the Popiſh faith. The ambition of this prince was not ſatisfied by Matthias's adoption; he obliged him, through the means of the Roman Catholic party, to reſign the crown of Bohemia; and, by a partial call of the States, in an aſſembly compoſed of Catholics, he obtained the election, though with a proviſo not to act as ſovereign till after the death of the emperior. On this uſurped ſettlement the kingdom of Bohemia was governed by a council of Papiſts, and the Proteſtant party was treated Commotions in Germany.

* By an agreement with the emperor Sigiſmond, on his election to the throne of Bohemia, there was to be no citizen or magiſtrate in Prague but ſuch as were of the reformed religion.

in

Anno 1618. in an injurious manner. A general aſſembly of the States, called by the officers appointed to enforce the execution of edicts, demanded a reparation for the injuries they had ſuſtained, and adjourned themſelves to another day. The emperor's lieutenants, according to orders, attempted to prevent their re-meeting. So tyrannical an oppoſition enraged the States to a degree of phrenzy; they ſeized the emperor's officers, and flung three of the moſt inſolent of them out of the caſtle-window.

War was become unavoidable, and both ſides made great preparations. From the time of the emperor's attempt upon Juliers, the Proteſtant ſtates of the empire had formed a confederacy againſt the oppreſſive power of the Catholics; this coalition was termed the Evangelical League *. Of theſe powers the Bohemians implored aſſiſtance, and invited the elector-palatine to accept of their crown. In the interim Matthias died, and Ferdinand obtained the imperial dignity by the ſame means which he had obtained the crown of Bohemia †. Every branch of the houſe of Auſtria, veſted with large powers, was now united againſt the reformed religion. In this critical ſituation the Proteſtants did not neglect the defence of Liberty: the cauſe of the Bohemians was adopted, and the elector-palatine

A. D. 1619.

Prince palatine elected king of Bohemia.

* The princes who formed this league were, the elector-palatine, the elector of Brandenburgh, the marquis of Anſpach, the duke of Wirtemburgh, the landgrave of Heſſe, the princes of Anhalt, and the marquis of Baden.

† The elector-palatine's ambaſſador, who came to oppoſe the election, and the ambaſſadors from the States of Bohemia, were ſtopped at Franckfort. The States of Bohemia complained of the act of convocation which had been ſent to Ferdinand, ſeeing he could not exerciſe the privileges of an elector, except in their name.

marched

marched into Prague, and took poſſeſſion of the offered crown. Anno 1619.

Very different was the effect which this news had upon James and his ſubjects. The generous people, animated by the cauſe of Liberty, ardent for the relief of their Proteſtant brethren, were fired with impatience to enter as parties into the quarrel. The monarch, whoſe ambition was centered ſolely in the object of the Spaniſh match, had very contrary inclinations. Indeed his finances were not in a ſituation to enter into a war without a large recruit from parliament; and the treaty on foot, oppoſite to the inclinations of the whole people, made ſuch an aſſembly particularly undeſirable at this juncture. Beſides, the Engliſh navy, which would have been of notable uſe to have kept Spain in awe, by the inſtances of Gondemar, had been ſuffered to go almoſt totally to decay, and wanted much time and money to put it into a condition for any hoſtile attempt. Theſe arguments, drawn from his preſent circumſtances, were not the only ones which inclined James to abandon his ſon-in-law. His exalted idea of the rights of a king, however unjuſtly and illegally thoſe rights had been obtained, would have been alone a ſufficient motive for him to deny his aſſiſtance to the revolted States; therefore, without examining into the nature of their pretenſions, he declared againſt them in the council, and forbad his ſon-in-law to be prayed for under the title of the king of Bohemia. The archbiſhop of Canterbury, detained by illneſs from being at this council, wrote to ſecretary Naunton, that it was his opinion the elector ſhould accept of the crown, and England openly ſupported him. James rejected the reaſons which the archbiſhop urged to

ſupport

Anno 1619. ſupport his opinion, as favoring too much the pretenſions to Liberty in ſubjects.

The viſcount Doncaſter had been ſent ſome time before this into Germany, to offer James's mediation to compoſe the difference between the emperor and the Bohemians *. This pitiful in-

* The following is the advice which the States gave to the King of England on this head. "The States' deputies, writes Carleton in a letter to James, came to me in the name of their aſſembly, to put a queſtion unto me, What I could inform them of your majeſty's intention in ſuccoring your majeſty's allies and theirs in Germany, particularly the Palatinate, now moſt in danger, to the end they might govern themſelves accordingly. I had not much to anſwer, ſave what I had underſtood of your majeſty's former intention to ſend ambaſſadors into Germany to join with the French in pacification of thoſe troubles; and now newly of your majeſty's purpoſe of ſending firſt to thoſe princes who ſeem to threaten the Palatinate with extraordinary levies. This they approved, ſo as the embaſſage might be countenanced with an army, otherwiſe they doubted of the effect; and thereupon deſired me to advertiſe your majeſty of the ſtrength of the two Spaniſh armies, one of about twenty thouſand foot and four thouſand horſe, which is to be at the rendezvous in Luxemburgh at the end of this month, and ſo march towards Germany, under the conduct of the marquis Spinola, before the midſt of the next; the other under the command of Don Lewis de Velaſco (the ſtrength whereof is not known, but by conjecture of the number of the old troops) which is to wait upon the States' army, in caſe it ſhould draw to a head upon Spinola's marching. Their intention, they ſaid, was good, and their reſolution ready to aſſiſt the princes, and particularly the Palatinate, according as in your majeſty's name I had formerly deſired them, for the preſervation of your majeſty's ſon-in-law in his patrimonial inheritance and countries, to the end your majeſty might the more eaſily procure the pacification you intend. But the princes in Germany being too weak of themſelves to make reſiſtance, and their ſtrength here too little to be hazarded between two armies, one of which would cut betwixt them and home, while they followed the other, and, upon any diſaſter which might befal their men, would follow their victory, even into the heart of theſe countries, which are yet much unſettled by reaſon of their late diſtractions, and much of

terfering was treated by Ferdinand with ſo much diſdain, that the ambaſſador could not obtain one audience. Anno 1619.

This year a very arbitrary act of ſovereignty was exerciſed on the earl of Ormond. He was thrown into priſon for refuſing to ſtand to the King's arbitration concerning a diſputed eſtate between him and the lord Dingwell. The King had adjudged it in favor of his antagoniſt. This lord Dingwell was Sir Richard Preſton, an old companion and favorite of James. He obliged the late earl of Ormond to marry his daughter to him, and created Preſton, on this occaſion, baron of Dingwell, in Scotland. On the death of this earl, the title deſcended to his nephew, Sir Walter Butler, on whom the eſtate was intailed; the lord Dingwell diſputed this right on the pretenſion of his wife's ſucceeding as general heir, and obtained poſſeſſion by an unjuſt exertion of the power of the crown, notwithſtanding Ormond's title to the eſtate was corroborated by the will of the deceaſed earl.

Ormond oppreſſed.

Carte's Introduction to the Life of James duke of Ormond, 1736. vol. I. p. 66.

Ormond was not the only individual who ſuffered from illegal acts of power in this reign.

Whitlock and Manſell impriſoned.

of the ſtrength thereby diverted, they know not what ſatisfaction to give your majeſty in defence of the Palatinate, unleſs your majeſty's more powerful hand ſhould concur therein, and therefore they doubted a fearful event of this ſummer's work; that the Spaniards would not only make themſelves, without much reſiſtance, maſters of the Palatinate, but bring all the united princes and the free towns to their ſubjection, of which danger they likewiſe deſired me to advertiſe your majeſty; and with all to beſeech you, as the chief protector (under God) of the common cauſe of religion, and a prince particularly intereſted in your ſon-in-law's fortune, to contribute ſome part of your great power to the ſafety of both; wherein your majeſty ſhould find them ready to employ the uttermoſt of their abilities." *Carelton's Letters*, p. 473, *& ſeq.*

Whitlock,

Anno 1619. Whitlock, a lawyer, and Sir Robert Manſell, the vice-admiral, were both committed to priſon; one for giving his opinion in a caſe which was ſuppoſed to touch the King's prerogative, and the other for aſking it. The opinion was not given in public, but as a private intimation to a friend.

Peachum racked. Original Letters, &c. by Dr. Birch, p. 47.

Edmund Peachum, who was taken up for writing ſome offenſive paſſages in a ſermon, was racked ſeveral times in priſon, that a confeſſion of treaſonable purpoſes might be extorted from him by the force of pain. The ſtrength of his reſolution rendering this method ineffectual, the queſtion was, how to convict him on the circumſtances of thoſe paſſages? James drew up with his own hand a ſtate of the queſtion. In this performance he employed all the powers of his logic to enlarge the boundaries of high-treaſon to the preſent caſe. The ſermon had never been made public, either by preaching or printing.

Original Letters by Sir D. Dalrymple, 1762, p. 36.

In Peachum's caſe, Bacon, who then held the place of attorney-general, by command of the King extorted, by the force of importunity, the ſeveral opinions of the judges. Sir Edward Coke affirmed, "That ſuch an auricular taking of opinions was not according to the cuſtom of the realm; that it was new and dangerous." Bacon's artifices and importunities at length prevailed: He wrote word to James that he was not wholly out of hope, that my lord Coke would comply when he had in ſome dark manner put him in doubt that he ſhould be left alone.

Anno 1620. In the beginning of the year 1620, the affairs of Bohemia were in a good ſituation. Several princes of Germany had formed a league to ſupport the new king; and Bethlem Gabor, prince of Tranſylvania, had procured a diverſion in Hungary,

Hungary by exciting the Hungarians to rebel againſt the emperor. At this critical time had England awed the Spaniards by her fleet, and ſent a moderate aſſiſtance of land-forces into Germany, the war might have been ſoon determined to the advantage of the Proteſtant cauſe, and the firm eſtabliſhment of the palatine on the throne of Bohemia. But this continental war, the only one perhaps in which it was ever politic for England to engage, and in which for once the glory of the people and the intereſt of the ſovereign were united, was ſo diſclaimed by James, that the ambaſſadors * whom he ſent into Germany to cloſe the breach between the emperor and his ſon-in-law, damped the hopes of the Proteſtant league, and encouraged the Auſtrians by diſavowing the elector's proceedings, and denying to give him the title of king of Bohemia. At the ſame time he ordered Cottington to aſſure the king of Spain, that his ſon-in-law had acted without his knowledge, that he diſapproved of his conduct in accepting the crown, and was determined to diſown him if he perſiſted in his pretenſions. A kind of complaint was alſo made to that court, that the emperor, by referring the buſineſs to four electors, had diſregarded the king of England's intentional kind offices, and left no place for his authority to interpoſe.

Anno 1620.

James diſclaims his ſon-in-law's cauſe.

Whilſt James's attention was thus engroſſed in giving ſatisfaction to the houſe of Auſtria, the affairs of Bohemia began to wear a threatening aſpect. The elector of Saxony was won over by a jealouſy of the Palſgrave's new dignity, and the

The Proteſtant cauſe declines.

* Theſe were Sir Richard Weſton and Sir Edward Conway. Sir Richard Weſton was a Roman Catholic.

promiſe

Anno 1620. promiſe of Luſatia *. He entered that country with an army of twenty thouſand men. The like means were uſed to enagage the duke of Bavaria, who, at the head of a Catholic league, declared for the emperor. The king of Spain was levying a conſiderable force in the Netherlands for his uſe. The prince of Orange, who had urged the Palſgrave to accept the crown of Bohemia, was impeded from giving him any conſiderable aſſiſtance by the commotions his conduct had excited in the United Provinces †. Other ſtates were infected by the coldneſs of England ‡; and

* By the malignant jealouſy of this prince, and the weak unnatural conduct of king James, a very critical opportunity was loſt of reducing the power of the houſe of Auſtria, and giving ſuperiority to the Proteſtants in Germany.

† The States were extremely inclined to ſupport the king of Bohemia; but their domeſtic quarrels, and the averſion they found in James to enter into the quarrel, prevented their exerting themſelves farther than the allowing him a monthly aid of fifty thouſand florins. They wrote a letter to the Proteſtant princes aſſembled at Nuremburg, to haſten them in their reſolution for the aſſiſtance of the king of Bohemia. They told James's ambaſſador, that the ſecurity of the Palatinate depended on the King of England; who, ſhewing himſelf and his power in time, would keep them all in obedience. "In this opinion, writes Sir Dudley Carleton, I am daily aſſailed with interrogatories what his majeſty doth reſolve, and what his majeſty will do." *Carleton's Letters*, p. 431.

‡ Carleton, the Engliſh reſident at the Hague, gave from thence the following intelligence to the Engliſh court: "That Monſieur Langerac had written from France, that the emperor's ambaſſador had obtained a private conſent of ſuccors from that king; the apprehenſion whereof did cauſe Broderode, the States' ambaſſador, to write very fearful letters from Heidelburgh, as if the Lower Palatinate would be a prey the next ſpring to the French, Lorrain, and the archduke's troops. To which he added, that the French agent there having his means augmented, prepared himſelf to follow the king to Prague: but in his letters from the French king and commiſſion went no farther in title than what

the Hungarians and Tranſylvanians, by means of the king of Poland, had been neceſſitated to make a truce with the emperor. Anno 1620.

The king of France, who was engaged by intereſt to interrupt the growing greatneſs of the Auſtrian family, was kept in a neutrality by the influence of his favorite Deluynes. Deluynes had been bribed into this meaſure by the gift of a rich heireſs, in the diſpoſal of the archduchess Iſabella.

Beſides theſe diſadvantages which threatened the Proteſtant cauſe, the conduct of the elected king of Bohemia was weak and indiſcreet. He entruſted the command of his forces to prince Anhalt, in preference to two able commanders who had already rendered him conſiderable ſervices, the counts de la Tour and Mansfeild. His domeſtic behavior gave great offence to his new ſubjects: He affected much ſtate and grandeur, and his wife introduced a gaiety which indeed ſhe had been uſed to in her father's court, but which diſguſted the religious Bohemians, whoſe zeal ought to have been kept up by a frugal appearance, and a ſtrict ſeverity of manners. Burnet.

In ſpite of that averſion which James had to enter into any meaſures which might incur the diſpleaſure of Spain, the popularity of his ſon-in-law's cauſe in a manner obliged him to admit of one regiment's * going to the Palatinate, to

what he was wont, which he excuſed upon his majeſty's not having acknowledged his ſon-in-law king of Bohemia; in which reſpect, he ſaid, it muſt not be found ſtrange in thoſe princes who had not ſo near intereſt as the King of England in blood and title." *Carleton's Letters*, p. 436.

* This was ſo much againſt the King's inclination, that Wooton told the archduke Leopold, that true it was the Engliſh ſubjects had taken the alarm, and voluntarily meant to ſacrifice themſelves for the defence of the Palatinate, but

Anno 1620. make head againſt Spinola, who had invaded it with the Spaniſh forces. The fortunes of Frederic, king of Bohemia, began now to gather to a criſis: A large force, under the ſeveral commands of Maximilian duke of Bavaria, Bucquoy, and Balthazar, advanced to Prague, the capital of Bohemia; the Bohemian forces were drawn out to oppoſe them. On the eighth of November a battle was fought, which gave a deciſive victory to the Imperialiſts, and obliged the king and queen to take their flight towards Holland. One of the chief reaſons which occaſioned the precipitate fate of this unfortunate prince, was his ſuffering a diſcontent to riſe in the army for want of pay, though he had actually a great treaſure by him, which, after his defeat, fell into the hands of the enemy.

Bohemia invaded.

Ruin of the Palatine.

Prince Anhalt immediately deſerted the vanquiſhed party, and fought the battles of the Imperialiſts. The generous la Tour and Manſfeild, notwithſtanding the ill uſage they had received, ſtood firm to the cauſe of Liberty, and continued with the remainder of the beaten forces to harraſs the countries dependant on the emperor.

Death of Anne.

Anne of Denmark, James's queen, did not live to ſee the entire ruin of her daughter's fortune. Her death happened in the beginning of the year 1619, in the forty-fifth year of her age. She was a woman of a vain, haughty, and violent temper *. The court-amuſements took

without his maſter's concurrence of money or command. Sir Horace Vere was colonel of this regiment, the earls of Eſſex and Oxford captains. Eſſex penſioned fifty men that went on this expedition, beſides the complete number of his own company. *Sanderſon*, p. 484, *& ſeq.*

* At the time of her daughter's marriage with the Palſgrave ſhe had been flattered from the king of Spain with hopes

their bias from theſe qualities; they were pom- Anno 1620.
pous and gaudy, without any degree of taſte or propriety *. The directions of the revels were

hopes that ſhe might have him for a ſon-in-law. This put her into ſo ill a diſpoſition for the Proteſtant match, that ſhe deſcended to ſuch childiſh expreſſions of reſentment as to call her daughter in deriſion Good-wife Palſgrave.

Spotſwood gives us the following account of the violence of this princeſs's temper: "Prince Henry was aſſigned to the care of the earl of Marr: On the queen's intended journey to London ſhe went to his houſe, and demanded her ſon, that he might accompany her. This demand being denied by the family of the earl of Marr, ſhe became ſo incenſed, that it occaſioned her a fever, and that fever a miſcarriage. The King being advertiſed of her ſickneſs, ſent the duke of Lenox with a warrant to receive the prince, and deliver him to the queen. Notwithſtanding this indulgence, ſhe wrote a letter to the King, full of paſſion, requiring a public reparation by the puniſhment of the earl of Marr and his ſervants. The King ſent her word, that ſhe ſhould do wiſely to forget the grudges ſhe carried to the earl of Marr, and thank God for the peaceable poſſeſſion they had obtained of the kingdom of England, which, next under God, he aſcribed to the laſt negotiation of the earl of Marr in England. When this meſſage was delivered to the queen ſhe replied, in great wrath, that ſhe rather would have wiſhed never to ſee England, than to be in any ſort beholden to the earl of Marr." *Spotſwood*, p. 477.

* The two following authentic letters are examples of the kind of vulgarity which prevailed in this princeſs, and conſequently infected the whole court.

Queen Anne to King James.

"I am glad that our brother's * horſe does pleaſe you, and that my dog Stennie † does well; for I did command him that he ſhould make your ear hang like a ſow's lug, and when he comes home I will treat him better than any other dog."

* King of Denmark.
† Villiers.

Queen Anne to viſcount Villiers.

"You do well in tugging the ſow's ‡ ear, and I thank you for it, and would have you do ſo ſtill, upon condition that you continue a watchful dog to him, and be always true to him." *MSS. Brit. Muſ.* fol. 6986.

‡ King James.

Anno 1620. the bounds of Anne's empire. It was perhaps from the little influence ſhe had over her huſband, that ſhe eſcaped the odium which fell on all thoſe who tranſacted the public affairs.

James attempted to turn to his own pecuniary advantage the zeal which the people expreſſed for the reinſtatement of the Palſgrave's fortune. On the almoſt entire loſs of the Palatinate a benevolence was demanded, as an aid towards its recovery. Whether the people looked upon this as an excuſe only to extort money from them; whether they were diſguſted at its being demanded at a time too late to expect any fruits from ſuch an aſſiſtance; or whether they were unwilling to encourage the examples of theſe illegal methods of raiſing money; the King got little from his ſubjects by this ſtratagem *. He ſoon after called a parliament, forming great hopes from the general diſpoſition towards a German war.

A benevolence demanded.

Rapin.

While the people were encouraged to believe that the King would really attempt the recovery of the Palatinate, Buckingham wrote a letter to Gondemar, in which he aſſured him, "That his maſter was determined to remain neuter, for the reaſons of conſcience, honor, and example. On the firſt reaſon, the church very juſtly oppoſed the principle of the Jeſuits, who take upon them to enthrone and dethrone princes according to their fancy; that our religion enjoins us to obey our prince and ſovereigns, though they ſhould be Turks or infidels. Secondly, that if he aſſiſted his ſon-in-law in this affair his actions would be contrary to his proteſtations, which would be

* James at this time demanded a benevolence from his Scotch ſubjects, but every rank of people excuſed themſelves from compliance. *Spotſwood*, p. 541.

very

very dishonorable. Thirdly, it was a very dange- Anno 1620.
rous precedent against all Christian kings, to allow of the translation of a crown by the authority of the people."

At the same time when James was giving these full assurances to the Spanish minister, his ambassadors were dancing attendance at every prince's court in Germany, to endeavor to incline them to the pacific measures of their master. The arguments they made use of on this occasion, shewed so strongly James's determined purpose, that it confirmed the coldness of the Protestant allies, and freed their antagonists from the apprehensions of a powerful opposition. Mean while, the regiment of English volunteers, not having been joined by any considerable force, had been able to do so little in the Palatinate, that that country had fallen almost entirely into the hands of Spinola, the Spanish commander. Whilst the king of Spain was thus completing the destruction of James's family, Gondemar had the address to persuade him, in spite of his aversion to warlike enterprizes, to send out a naval force against the Algerines, who began to be formidable to the Spaniards: At the same time the ambassador was suffered to buy up all kind of warlike stores to supply the Spanish magazines. These were not the only instances of a surprising power which this subtle genius had over the weak mind of the English monarch: He actually persuaded him that his master's conquest of the Palatinate would accelerate its restoration, as it would be a gallant present for the infanta to give on her marriage.

James was not the only dupe to the artifices of Gondemar. Marco Antonio de Dominis, archbishop of Spolato, fell a victim to his ensnaring

Anno 1620. courteſy: He came into England in the year 1618, abjured the Roman Catholic faith, and was preferred to the maſterſhip of the Savoy, and the deanry of Windſor. After ſome years' ſtay, though he was grown old and infirm, he ſuffered himſelf to be gained by the hopes of a cardinal's hat, and return to Rome to be reconciled to that church. Inſtead of being preſented with a cardinal's hat, he was thrown into the inquiſition, and, after his death, his body was publicly burnt.

Rushworth. To create a confidence in the enſuing parliament of a real intention to recover the Palatinate by the force of arms, nine commiſſioners were appointed to conſider what proportion of men, ſhipping, and treaſure, would be ſufficient for the enterprize. The earl of Eſſex, one of the officers in the regiment now in Germany, who had juſt returned from that country, was one of theſe commiſſioners.

The tongues of men were ſo buſy in cenſuring the government, that proclamations continually iſſued againſt exceſs of ſpeech; all of them were in threatening ſtrains, but as the individual offenders were ſcreened by their multitude, theſe proclamations ſerved only to increaſe their clamor.

A parliament meets. On the thirtieth of January, according to the King's appointment, the parliament met. In the beginning of James's ſpeech to this aſſembly, he laments the little influence his wiſe and florid diſcourſes had hitherto had over parliaments. "I may truly ſay, ſaid he, that I have piped unto you, but you have not danced; I have often mourned, but you have not lamented." He then makes the following curious definition of the nature of parliaments: "I know there are divers ſorts of foreign parliaments, ſome more, ſome leſs in number; but I leave them;—only this I would

would have you to obſerve, that it is a vain thing for a parliament-man to preſs to be popular, for there is no ſtate or parliament without a monarchy; ſo the Grizons, Swiſſes, and Low-Countries, which are governed without a king, have no parliaments, but councils and aſſemblies: This I put you in mind of, that you ſerve under a monarchy, and that you muſt ſtand or fall with it *." James aſſures the parliament, that he will do nothing in the Spaniſh match which ſhall not be for the good of religion. The trial of his ſincerity he refers to his works and writings, wherein he ſays, "He has been a martyr tortured in the mouths of the vulgar." He hopes they will truſt the wiſdom of their King ſo far, that he will never do one thing in public and another in private; the main end of his calling them together, he owns, was to obtain a ſupply for his neceſſities; he draws a compariſon between his preſent ſituation, and "That of a woman with-child, who has gone her time of travail; only inſtead of months, himſelf had gone ten years, and therefore it was full time that he ſhould be delivered of his wants." He gives a detail of his preſent œconomy; "That ten thouſand a-year was abated in his houſhold expence; that his young admiral †, out of the love he bore to him, had, by taking all upon himſelf, ſaved him the envy which ſuch a particular ſurvey would otherwiſe have occaſioned him; Anno 1620.

* By James's manner of expreſſing himſelf, it is not eaſy to find out the diſtinction he endeavours to demonſtrate; ſince, if the deſign of the body of men he addreſſed had been to procure to themſelves ſovereignty, it would be of little conſequence to them whether they were called an aſſembly, council, or parliament.

† The duke of Buckingham.

Anno 1620. that the expence of the navy was diminiſhed twenty-five thouſand pounds *." He then tells them, " That the ſecond cauſe for this call of parliament is the miſerable and torn ſtate of Chriſtendom." He mentions the money it coſt him in Doncaſter's embaſſies to compoſe differences, and blames his ſon-in-law for accepting the crown from the alienated States. He proceeds to give his reaſons for not having interfered in the cauſe: " Firſt, ſaid he, I would not make religion the cauſe of depoſing kings; I leave that to the Jeſuits, to make religion a cauſe to take away crowns. Next, I was not a fit judge between them, for they might ſay to me as he ſaid to Moſes, Who made thee a judge over us? and myſelf would not be content for them to judge whether I were a king or not. Laſtly, becauſe I had been a meddler, and then to determine my ſon might take the crown upon him, had been improper." He next informs them, " That he has ſpent two hundred thouſand pounds to prevent the Palatinate from being invaded; and that he will leave no travail untried to obtain a happy peace." After having given a hint of his merit in expending forty thouſand pounds upon the piratical war, he deſires them to conſider if he deſerved not reſpect. " How happy a fame will it be, concludes he, that he is reverenced by his people, and reciprocally loves them? Now ſhall I be honored by my neighbor princes; and my government, peradventure, made an example for poſterity to follow."

* The navy at this time was ſuffered to go to decay. Gondemar had told James, that furniſhing a naval force would breed ſuſpicion in the king his maſter, and avert his mind from the intended alliance. *Ruſhworth*, vol. I. p. 3.

What-

Whatever might be the effects which this wiſe and perſuaſive ſpeech had upon the parliament, their firſt tranſaction was a petition to the King for the due execution of laws againſt Jeſuits, ſeminary prieſts, and Popiſh recuſants *. They then entered on the conſideration of thoſe numberleſs grievances under which the ſubjects had labored in their perſons, property, and apprehenſion, during the vacancy of parliament. Anno 1620.

The Commons, not to loſe the only moments which rendered them capable of ſerving their country, waved the arguments which the courtiers made uſe of for a ſpeedy ſupply †, and en-

* In the debate concerning this buſineſs in the lower houſe, Sir Jerome Horſey moved, that four or ſix members ſhould be appointed to ſearch the vaults and cellars under the parliament-houſe twice a week.

The Papiſts at this time met with ſuch encouragement from the miniſtry, that they made no ſcruple to declare they expected liberty of conſcience, and a toleration of their religion. *Parl. Hiſt.* vol. V. p. 327.

† On this ſubject of ſupply Sir William Cope moved, that a committee of the whole houſe ſhould ſit every afternoon to conſider the ſtate of Chriſtendom, England, the ſtate of wars, and the beſt means to carry them on. Sir John Davys argued, on the ſide of the court, to give ſpeedily, that all men run together to quench a fire, though they were not on fire, yet the Palatinate was on fire, religion was on fire, and all other countries on fire. Sir James Perrot moved, that ſupply and grievances might be as twins, to go together, and have no precedency. There had been a proclamation, he ſaid, to reſtrain ſpeaking on matters of ſtate, and the King's ſpeech had confirmed it; that there was alſo reſtraints put on petitioning in religious matters. He moved for a petition to the King to explain himſelf what he intended by matters of ſtate. If recuſants and the like, ſo monopolies, &c. may come within the compaſs of the prerogative; even for the Palatinate, what to be given, how to be employed, may come within the compaſs of matters of ſtate. A committee might form ſuch a petition, and bring it into the houſe tomorrow. He was againſt a conference with

Anno 1620. tered into proceedings on the many vexatious grants which had harraſſed the ſubject during this long period of ſeven years. The moſt glaring abuſes were diſpenſations of penal ſtatutes in the farming out inns *, grants of monopolies, and grants of concealments †. A patent for the ſole making of gold lace, given to Sir Giles Mompeſſon, a creature of the favorite. Sir Edward Villiers had a large ſhare in the profits, though his name was left out of the patent. The privilege of the patentee went ſo far as the power of impriſoning all thoſe who ſhould preſume to make this commodity, and even to enter their houſes, and forcibly take away ſuch goods. By the means of ſo extenſive a privilege, through the avarice of the patentee, all the gold lace

with the Lords, for in the laſt parliament they rejected a conference. Sir Edward Coke urged, that the privileges of the houſe concerned the whole kingdom: "But take heed, ſaid he, that we loſe not our liberties by petitioning for leave to treat of grievances. No proclamation can be of force againſt an act of parliament. In Edward III.'s time a parliament was holden every year, that the people might complain of grievances. If a proclamation comes againſt this, the law is to be obeyed, and not the proclamation. The fourth of Henry VIII. Strowde moved againſt the Stannary-court, but was fined after the parliament, and impriſoned by the ſteward of the Stannary: Thereupon a law enſued for freedom of ſpeech in the houſe, but it ought to be done in due and orderly manner." *Parl. Hiſt.* vol. V. p. 329, *&c ſeq.*

* Exceſſive fines were ſet upon theſe houſes of public refreſhment; the licenſing them was taken out of the hands of the proper magiſtrates, viz. the juſtices of the peace. By this means all kind of diſorderly perſons were permitted to keep inns.

† Theſe were grants of concealed titles to lands. People were turned out of what they had been long in poſſeſſion of, after having ſpent great ſums on improvements. The Commons complained that a cathedral and twelve hoſpitals had been ſwallowed up by it.

then

then made was adulterated to leſs than half its value *. Anno 1620.

The unravelling theſe complicated ſcenes of villainy began to make James tremble for his favorite. He would have diſſolved the parliament, had it not been for the artful counſel of John Williams, dean of Weſtminſter, who adviſed him to ſacrifice every other criminal to the public reſentment, and ſooth them with an aſſurance that it was propoſed by Buckingham. Williams's advice was followed, and Buckingham declared in the houſe of Lords, that though he had two brothers called in queſtion, he would not defend them, but leave them to the cenſure of parliament. This appearance of candor, and the fear of being taxed with giving any delay to a meaſure ſo popular as the German war, made the Commons part with two ſubſidies, and abate of thoſe ſcrutinzing enquiries which might affect the miniſter, and prevent the bringing other criminals to juſtice.

Among the numberleſs evidences which thronged to accuſe the corrupt miniſters of the crown, matters of high importance were charged againſt Bacon, who had ſome time enjoyed the chancellorſhip, and was now diſtinguiſhed by the title of viſcount St. Albans. He was not only accuſed of having ſet the ſeal to a great number of illegal patents, but even of bribery in the exerciſe of his office as chancellor †. Bacon accuſed of malverſation in his office.

* In a conference on theſe ſubjects between the two houſes, the lord-chancellor and the lord-treaſurer had ſtood up improperly to ſpeak in their own defence. The lord-chamberlain complained to the upper houſe of this irregularity, and termed them two Great Lords: This diſtinction was objected to by lord Spencer: It was agreed, that no lords of that houſe were to be called Great Lords, they being all peers.

† In the complaint which the Commons brought up againſt

Anno 1620. The encouragement which James had been prevailed on to give towards the diſcovery of the iniquitous practices of the times, was too great to make an honorable retreat. Buckingham and the chancellor could not both be preſerved without the diſſolution of the parliament, and ſuch a ſtep muſt have tacitly condemned both the monarch and the miniſter, whoſe reputations could no otherwiſe be preſerved than by the ſacrifice of their corrupt inſtruments. James was ſo ſolicitous to clear himſelf from any imputation of blame, that, during the courſe of the enquiries, he came to the houſe of Lords, and made uſe of the ſtrongeſt terms to profeſs his innocence *, and deſire of juſtice on the delin-

gainſt the lord-chancellor, Dr. Field, the biſhop of Landaff, was accuſed of brocage, in a bribe intended for the chancellor. *Parl. Hiſt.* vol. V. p. 351, *& ſeq.*

* The houſes had been told, that he had done nothing in theſe caſes without having referred the ſame to ſeveral judges for the point of law, and to divers lords for the point of commodity. Theſe were the lord-chancellor, three of the judges, and ſerjeant Finch.

In the ſpeeches he made on this occaſion he ſaid, "That if the enormities complained of had been laid before him, he would have puniſhed the delinquents as ſeverely out of parliament, and peradventure more than the parliament intended to puniſh them." He told the houſe, "That he believed their body had bribed his ſon to do good offices for them." And added, "The like I may ſay of one that ſits there--Buckingham: He hath been ſo ready upon all occaſions to do good offices both for the houſe in general, and every member thereof in particular."

James, among others of theſe kind of cajolements, praiſed much the intention of a bill againſt informers. "Such a bill, ſaid he, will be the greateſt eaſe, both to me and all thoſe who are near about me at court, that may be; for I remember that ſince the beginning of this parliament Buckingham hath told me, He never found ſuch quiet and reſt as in this time of parliament, from projectors and informers, who, at other times, miſerably vexed him at all hours." He told the Lords, "That he acknowledged their houſe to be the

quents. Thus encouraged, the Lords proceeded with zeal. An accuſation, of four-and-twenty articles of bribery, was brought into their houſe by the Commons againſt the chancellor. This unfortunate tool of government was even obliged to abandon his defence. The King would not hazard his appearing to plead his cauſe. An ample confeſſion of the whole charge, with ſome trifling extenuations, was ſigned by him, with an humble petition for a favorable ſentence *. Thus ignominious was the fall of the famous Bacon, deſpicable in all the active part of life, and only glorious in the contemplative. Him the rays of ſcience ſerved but to embelliſh, not enlighten; and philoſophy herſelf was degraded by a conjunction with his mean ſoul †. He did not ſurvive, above five years, this public diſgrace. We are told he often la-

Anno 1620.

Bacon's fall.

Parl. Hiſt.

Anno 1621.

the ſupreme court of juſtice, in which he was ever preſent by repreſentation; that he could not give them a greater aſſurance nor better pledge of his purpoſe, than by the honor he had done them of placing his only ſon among them." *Parl. Hiſt.*

* One of the articles of his charge is to this purpoſe: The vintners in London refuſed to give above a certain price for wine; the merchants complained to the council; the King made a reference to the chancellor; the chancellor ordered the vintners to give the price demanded, and impriſoned two or three of the moſt obſtinate, till they complied. For his pains he received a preſent of one thouſand pounds.

"It may ſeem to us remarkable, ſays an ingenious writer, that Bacon was not accuſed for arbitrary proceedings, but for corruption." *Bacon's Submiſſion. State Trials*, 2d edit. vol. I. p. 364.

† During the time he had the ſeals, he received a number of letters from Buckingham in favor of different people who had cauſes depending in Chancery. There is great reaſon to believe that every one of theſe mandates was implicitly obeyed by the ſubmiſſive chancellor. Theſe letters are in a late collection publiſhed by Dr. Birch.

mented

Anno 1621. mented that ambition and falſe glory had diverted him from ſpending his whole time in the manner worthy of his extenſive genius; but there is too much reaſon to believe, from his conduct, that theſe ſentiments aroſe from the weight of his mortifications, and not from the conviction of his judgment. He preferred many mean ſupplications to James, and continued to flatter him ſo far, as to paint his grandfather, Henry VII. * in an amiable light. This management obtained the pardon of his whole ſentence, which was, A fine of forty thouſand pounds, impriſonment in the Tower during the King's pleaſure, to be for ever incapable of any office, place, or employment in the commonwealth, and never to ſit again in parliament, or come within the verge of the court. Beſides the favor of a pardon, he retained a nominal penſion of eighteen hundred pounds a-year; but through the deficiency of its payment he languiſhed out the remainder of his life in indigent circumſtances †. It is needleſs for an hiſtorian to deſcribe the ſtrength or extent of his genius; his

* James idolized the character of this monarch, and affected to reſemble him. It was at his deſire Bacon undertook this work.

† It appears from Letters, &c. publiſhed by Dr. Birch, that James made a kind of promiſe that Bacon's fortune ſhould not be affected by his diſgrace. This promiſe was ſo ill kept, that, in a letter of Bacon's to the King (in the ſame collection), he complains, that the penſion of eighteen hundred a year, which he had enjoyed during his proſperity, was ſtopt, and that there were eight hundred pounds in arrear due upon it. Among the many petitions he preferred to Buckingham for a ſubſiſtence, he deſcended to aſk the provoſtſhip of Eaton ſchool, and was denied. York-houſe and his manor of Gorhambury were ſold to pay his debts, and himſelf reduced to take up with a lodging in Gray's-Inn, which he inhabited while he was a practical lawyer.

precious

precious bequeſts to poſterity paint them ſtronger than can any other pen. Anno 1621.

Williams received the advantage of the counſel which was ſo fatal to Bacon: Buckingham, having no other creature in whoſe underſtanding and compliance he could ſo thoroughly confide, depoſited the ſeals in his hands, with the title of lord-keeper inſtead of lord-chancellor; this office ſo nominated being held at the King's pleaſure *. The delinquents of an inferior order met with a puniſhment no leſs ſevere than Bacon's. Sir Giles Mompeſſon was degraded from the order of knighthood, ordained to ſtand perpetually in the degree of a perſon outlawed, his teſtimony to be received in no court, to be excepted out of all pardons hereafter to be granted, to be impriſoned during life, not to approach within twelve miles of the courts of the King and prince, nor of the King's high courts uſually holden at Weſtminſter, his lands for life to be forfeited to the King, to undergo fine and ranſom at ten thouſand pounds, to be diſabled to hold any office in the commonwealth, and, laſtly, to be ever held an infamous perſon †. Sir

Hacket's Life of Williams.

Parl. Hiſt. vol. V. p. 385.

* This important alteration, with the giving the ſeals to a churchman, not bred in the knowledge of the laws, and the doctrine of whoſe profeſſion taught him implicit obedience to the throne, fully demonſtrate an intention in James to ſubject the civil juriſdiction to royal caprice. All the precedents of beſtowing this place to other than a lawyer, happened in times when the common law of England was neither ſo full nor ſo well eſtabliſhed as it was at this period.

† Though Sir Edward Coke had quoted many precedents to prove that the lower houſe had in itſelf the power of puniſhment, and that judicial, yet the Commons for the preſent waved this pretenſion, and yielded the point of ſentence to the Lords. Moreover, it had been ordered, that whatſoever ſhould be delivered by Sir Edward Coke ſhould be concealed,

Anno 1621. Francis Mitchel, a neceſſitous juſtice of the peace, was found to be concerned in ſome of the oppreſſive patents: His ſentence was degradation, impriſonment during the King's pleaſure, a fine of one thouſand pounds, and to be diſabled from holding any office under the King or commonwealth *.

Sir Henry Yelverton, who was at this time a priſoner in the Tower, from a ſentence of the Star-chamber, for having enlarged a charter given to the city of London beyond the King's warrant, was accuſed in this buſineſs of illegal grants.

ceaſed, upon pain of cenſure, till the conference with that houſe was paſt.

The Lords had requeſted that thoſe members who were the accuſers of Sir Giles Mompeſſon ſhould be put upon oath. A long debate enſued upon this demand, in which many ſtrong arguments were urged by Sir Edward Coke, Mr. Glanville, Mr. Noye, and others, that it would be againſt the honor of the houſe to yield this point to the Lords. An apprehenſion leſt a diſpute at this critical time ſhould fruſtrate the deſired condemnation, determined the reſult to be a compliance with the requeſt of the upper houſe. Mr. Noye moved it ſhould be entered, "It was ſo ordered by the motion of the parties themſelves who were to be ſworn, with a proteſtation hereupon on the meſſage, and for that the cauſe is of an extraordinary nature, and that they cannot judge of it there, as we here, becauſe we had Sir Giles Mompeſſon preſent, they have not."

* The manner of his degradation was as follows: He was brought by the ſheriffs of London to Weſtminſter-hall; then followed the commiſſioners for the office of earl-marſhal; Sir Francis Mitchel was brought before theſe, and his ſentence read by a purſuivant: his ſpurs were hacked in pieces by the ſervants of the commiſſioners, and thrown away; his ſilver ſword was taken from his ſide, broke over his head, and flung away; then he was pronounced no longer to be a knight, but a knave.

This wretch was impriſoned in the goal at Finſbury-fields, in the ſame chamber which he had provided for others; the place of his impriſonment was part of his ſentence. *Cambden's Annals.*

He

He had obtained the office of attorney-general by the means of Somerſet; his adherence to his patron had rendered him the object of Buckingham's averſion, who had actually ſtirred up the proſecution againſt him, and had aſſumed ſo inſolent a carriage, even on his firſt favor from James, as to make uſe of this ſcoffing expreſſion, "That he would make Yelverton the pooreſt attorney in England." From a continuation of the ſame animoſity, James was incited to propoſe to the Lords to give up his priſoner to the rigor of their judgment. Yelverton was brought to their bar, and pleaded his cauſe, though not to the clearing of his own character, yet much to the diſreputation of James and his favorite: He ſhewed the neceſſity he lay under either of loſing his bread, or of obeying all their illegal injunctions *. James Anno 1621. Cabala.

* "My moſt noble lords, ſaid he, knowing that my lord of Buckingham was ever at his majeſty's hand, ready, upon every occaſion, to hew me down, out of the honeſt fear of a ſervant, not to offend ſo gracious a maſter as his majeſty hath ever been to me, I did commit them, viz. the ſilkmen.

"As to the patent of inns, I cannot but herein bemoan my unhappineſs, that in the laſt cauſe laboring by all means to advance the profit of his majeſty, and in this, with the ſight almoſt of my own ruin, to preſerve his majeſty's honor and the quiet of the people, I am yet drawn in queſtion, as if I had equally diſhonored his majeſty in both.

"When Sir Giles ſaw I would not be moved to offend his majeſty by his directions, I received a meſſage from Mr. Emerſon, ſent me by Sir Giles, that I would run myſelf upon the rocks, and that I ſhould not hold my place long, if I did thus withſtand the patent of inns, or to that effect. Soon after came Sir Giles himſelf, and like a herald at arms told me, That he had this meſſage to acquaint me with from my lord of Buckingham, that I ſhould not hold my place a month if I did not conform myſelf in a better manner to the patent of inns, for my lord had obtained it by favor, and would maintain it by his power.

Anno 1621. was ſo nettled at this unexpected attack, that he chid the Lords for having queſtioned Yelverton on points foreign to the direct accuſation, and demanded ſatisfaction for the ſlander thrown by Yelverton upon himſelf and favorite *. The Lords implicitly obeyed the intention of the King's command; and Yelverton, for the dar-

" How could I but ſtartle at this paſſage? I ſaw here was a great aſſuming of power to himſelf, to place or diſplace an officer at his pleaſure: I ſaw myſelf caſt upon two main rocks, either treacherouſly to forſake the ſtanding his majeſty had ſet me on, or elſe to endanger myſelf by a bye-blow, and to hazard my fortune.

" I humbly beſeech your lordſhips to think, that Nature will ſtruggle when ſhe ſees her place and means of living thus aſſaulted; for now it was come to this, Whether I would obey his majeſty or my lord, if Sir Giles ſpoke true: Yet I reſolved on this, to be as ſtubborn as Mordecai, not to ſtoop, or paſs thoſe gracious bounds his majeſty had preſcribed to me.

" Soon after I found the meſſage, in part, made good; for all the profits, almoſt, of my place were diverted from me, and turned into an unuſual channel, to one of my lord's worthies, that I retained little more than the name of an attorney: It was ſo fatal and ſo penal, that it became almoſt the loſs of a ſuit to come to me; my place was but as the ſeat of winds and tempeſts.

" Howbeit, I dare ſay, if my lord of Buckingham had read the articles exhibited in this place againſt Hugh Deſpenſer; and had known the danger of placing and diſplacing officers about a King, he would not have purſued me with ſuch bitterneſs. But, my oppoſing his lordſhip in the patent of inns, in the patent of alehouſes, in the Iriſh cuſtoms, and in Sir Robert Naunton's deputation of his place in the court of Wards, have been my overthrow. For theſe I ſuffer at this day in my eſtate and fortune (not meaning to ſay as I take it, but as I know for my oppoſition to his lordſhip) above twenty thouſand pounds." *Parl. Hiſt.* vol. V. p. 436, & *ſeq.*

* After Yelverton's firſt examination, James wanted to take the cognizance of the cauſe himſelf. The Lords diſputed this point, and James gave it up, but with many cautions of the following ſort, That the Lords knowing they enjoyed

ing truths he had uttered, was fined to the King ten thouſand marks, confined to the Tower during pleaſure, to make a ſubmiſſion and acknowledgment of his fault at the bar, in the King's preſence, or in his abſence, at the King's pleaſure; he was fined five thouſand marks to the marquis of Buckingham, and to make ſubmiſſion. This judgment being given, Buckingham, either out of compunction or oſtentation, remitted the five thouſand marks, for which he received Yelverton's thanks in the houſe. The Lords agreed to move the King to mitigate the large fine, and the prince of Wales, who was preſent *, offered to undertake that office. Thus far the King and both houſes went on with the utmoſt unanimity; but the King now began to grow extremely jealous of thoſe ſharers in his authority, and looked upon the ſacrifices he had already made as ſufficient to deſerve an ample reward. Anno 1621.

The Commons, though they were willing to ſeize on every opportunity to render even minute ſervices to their country, yet regarded the conceſſions which had been made them as trifling in compariſon to the corrupt meaſures which ſtill exiſted, and which looked with a threatning aſpect on the intereſt and laws of their country, and the religion they were devoted to. To an addreſs they had made the King, not to ſuffer a large parcel of ordnance, which lay yet on the

enjoyed their honors from him, and under him, he doubted not but they would be tender of his honor. *Parl. Hiſt.* vol. V. p. 431, *&c ſeq.*

* The prince of Wales, by the ſpecial appointment of the King, had been preſent during all the tranſactions of this ſeſſion. Under the guiſe of a compliment, he was placed in this houſe to over-awe the popular lords.

Anno 1621. quay, to be tranſported to Spain, they received no farther ſatisfaction, than that the King was aſſured from his brother monarch that theſe arms were not to be uſed againſt the Palatinate.

The ſpeech uttered from the throne at the beginning of the ſeſſion left them no room to hope, that the King had dropped the unpopular and miſchievous treaty with the court of Spain; but rather confirmed them in the aſſurance that his blindneſs and obſtinacy were proof both againſt the arguments of reaſon, and the ſtronger pleadings of natural affection. Conſiderations like theſe made them eſpouſe the cauſe of the Palatine-family with a zeal which deſcended to a captious minuteneſs. One Edward Lloyd, a Papiſt, in talking of the king and queen of Bohemia, had made uſe of the ſcoffing terms of Good-man and Good wife Palſgrave. Trifling as was this charge, and weakly ſupported, Lloyd was brought upon his knees, and the whole houſe fell into a debate, in which there was a ſtrife among the members who ſhould propoſe the ſevereſt puniſhment. After vehement altercations, it was reſolved, that Lloyd ſhould be thrown into a dungeon, be three times pilloried, ride through London with his face to the tail of the horſe, holding the tail in his hand, and a paper in his hat denoting his offence, and that he ſhould be fined one thouſand pounds.

Lloyd ſeverely puniſhed.

The Lords took fire at this encroachment, as they termed it, of the Commons, and the King, who was much diſpleaſed with theſe enlarged pretenſions, ſent an interpoſing meſſage, in which he thanked the Commons for the concern they had expreſſed for his family, but deſired them to ſtay proceedings till they had anſwered theſe queries:

queries: Whether the power of their houſe extended to examine and puniſh thoſe who were not members of it? Whether a party denying, as Lloyd did, ought to be cenſured without an accuſation upon oath? The Commons made ſome attempts to get over theſe objections. It was urged, that the two houſes having been formerly in one, and ſeparating only for conveniency, the houſe of Commons retained all the power of the houſe of Lords. Others were for making this caſe a precedent. But, after many conferences between the two houſes, the Commons dropped their claim, and the judgment was referred to the Lords, who added to the ſevere ſentence of the Commons, whipping, branding, and perpetual impriſonment *. Thus did an indiſcreet zeal hurry on the patrons of Liberty to an infringement of its ſacred laws, by a judgment no leſs arbitrary than ſevere. Anno 1621.

On the concluſion of this affair, the following proteſtation was drawn up in the name of both houſes: "That the proceedings paſſed in the houſe of Commons againſt Edward Lloyd be not at any time hereafter drawn or uſed as a precedent to the enlarging or diminiſhing the lawful rights or privileges of either houſe; but that the rights and privileges of both houſes ſhall remain in the ſelf-ſame plight as before."

The harmony which had till now appeared to ſubſiſt between the three ſtates, was entirely diſſolved. James was ſo diſguſted with the high Parl. Hiſt.

* This Lloyd, thus ignominiouſly treated, was a man of education, and poſſeſſed of a good eſtate, a lawyer, and a juſtice of peace in the county of Salop. Immediately after this ſevere ſentence was paſſed upon him, a bill went through both houſes for exempting the gentry of this realm from the ſervile puniſhment of whipping.

Anno 1621. claims of the Commons, that he could no longer ſuffer their ſitting: The intention of an adjournment was mentioned in the houſe by ſecretary Calvert. The Commons looked on it to be an expedient to evade paſſing the bills then depending before them for the redreſs of grievances, and were ſo inflamed by the apprehenſion, that they diſputed the King's privilege of adjourning the parliament, and invited the Lords to join in a petition againſt it; the Lords acted in their uſual manner; the King thanked them for having refuſed to concur in the inſolent carriage of the Commons, and added, "That if they thought it neceſſary, he would gratify them with a farther ſitting for eight or ten days, but he would not now yield to the requeſt of the lower houſe." The Lords obtained this delay to be lengthened to a fortnight longer, but the Commons refuſed the offer, as the time was too ſhort to complete their buſineſs, and continued to draw up petitions of grievances *. They were preſented to the King by the archbiſhop of Canterbury, who performed his part with the ſpirit of true patriotiſm. James received theſe petitions with ſuch diſtaſte that the Commons found they had no time to loſe, and in all haſte drew up a declaration which teſtified their willingneſs,

* One of theſe grievances was the tranſportation of ordnance. Sir Thomas Roe had told the houſe, that an hundred guns lying yet on the quays were to be ſent to Portugal, and there to be mounted on twelve ſhips, which were to be employed againſt the Engliſh in the Eaſt-Indies. The Commons immediately deputed a ſelect body to move the King to ſtay the ordnance. To this petition he returned anſwer, "That he had aſſurances from the king of Spain, that they ſhould only be converted againſt pirates; that he had lately made a new promiſe, but would, for the time to come, paſs a bill to reſtrain any more tranſportation."

upon

upon a proper ſignification of the King's pleaſure in parliament, to give all neceſſary aſſiſtance towards the recovery of the Palatinate. The King's commiſſion for an adjournment now came down to the houſe; the popular members oppoſed reading it; but the obedient ſpeaker * pronounced, according to the commiſſion, the houſe to be adjourned till the fourteenth of November †. Anno 1621. Parliament adjourned. 4 June.

The leſſer nobility were greatly offended at the multitude of lately-created Scotch and Iriſh earls and viſcounts, to whoſe titular diſtinction they were obliged to yield precedency, though they were not peers of England. Thirty-three noblemen preferred a petition to the King, in which they deſired to be excuſed from yielding this point in the common ceremonies of ſociety. During the receſs of parliament a cajoling proclamation declared, that the abuſes complained of ſhould be redreſſed by regal authority, that the aſſiſtance of parliament was not neceſſary to reform them, and that they would have been re- Wilſon.

* Serjeant Richardſon was ſpeaker. He had received a cenſure from the houſe for his irregular behavior in leaving the chair when the conduct of any of the ſtate-officers was called in queſtion, or mentioned in a manner which was diſagreeable to the court. *Guthrie*, p. 754.

† Immediately preceding the adjournment of the two houſes, the offence which Dr. Feild, the biſhop of Landaff, had committed, was examined in the houſe of Lords. He was found guilty of a deſigned brocage in bribery. Neile, biſhop of Durham, moved, "That ſince there was nothing proved againſt Dr. Feild but an intent, that the conſideration of it ſhould be referred to the archbiſhop of Canterbury, and he to give the biſhop an admonition in the convocation-houſe." The Lords agreed to this motion, and ſent a meſſage to the lower houſe concerning the nature of the miſdemeanor which had been proved againſt Dr. Feild. *Parl. Hiſt.* vol. V. p. 450, *&c ſeq.*

Anno 1621. formed before if they had been known. Laſtly, the ſubjects were aſſured, that both the King's ears, and thoſe of his privy-council, would be open to their modeſt and juſt complaints. Another followed this, which forbid the converſing upon ſtate-affairs, and threatened ſevere penalties both againſt the concealers and utterers of theſe ſpeeches.

Re-meeting of parliament.

The parliament, after a ſecond adjournment, re-aſſembled on the eighth of February. The lord Digby, who had been travelling all over Germany, to perſuade the emperor and his partiſans to give up the advantages they had gained by their late victories, gave the parliament ſo full an account of his fruitleſs negotiations, that there remained no covering to hide the folly of James's conduct, or the groſs impoſitions to which his fond credulity had ſubjected him. Stung by theſe informations, the Commons drew up a petition and remonſtrance which expreſſed their ſenſe of his trifling management, ſet forth the cauſes of the increaſing hopes of the Popiſh party, the fears and apprehenſions of the Proteſtants, and pointed out the remedies for theſe growing evils. The Commons, in this remonſtrance, freely repreſented all James's unpopular management with Papiſts, both at home and abroad, offered their advice that a war ſhould be immediately declared and entered upon, and the King's ſon married to a Proteſtant princeſs.

It would be difficult to deſcribe James's extreme indignation on hearing the ſubject of this remonſtrance; all the tender points of prerogative, of which he was ſo highly tenacious, were here ſenſibly affected; and a formal attack upon an alliance which was the ultimate object of his hopes

hopes and inclinations. Inflamed by ſuch ſting- Anno 1621.
ing provocations, he aſſumed a courage foreign to his nature, and ventured to bully the Commons in this fiery letter to the ſpeaker. "We have heard by divers reports, to our great grief, that our diſtance from the houſes of parliament, cauſed by our indiſpoſition * of health, hath emboldened ſome fiery and popular ſpirits of ſome of the houſe of Commons, to argue and debate publicly matters far above their reach and capacity, tending to our high diſhonor, and breach of prerogative-royal. Theſe are therefore to command you to make known, in our name, unto the houſe, that none therein ſhall preſume henceforth to meddle with any thing concerning our government, or deep matters of ſtate; and namely, not to deal with our deareſt ſon's match with the daughter of Spain, nor to touch the honor of that king, or any other our friends and confederates; and alſo not to meddle with any man's particulars, which have their due motion in our courts of juſtice. And whereas we hear they have ſent a meſſage to Sir Edwin Sandys, to know the reaſon of his late reſtraint, you ſhall in our name reſolve them, that it was not for any miſdemeanor of his in parliament; but, to put them out of doubt of any queſtion of that nature which may ariſe among them hereafter, you ſhall reſolve them in our name, that we think ourſelves very free and able to puniſh any man's miſdemeanors in parliament, as well during their ſitting as after, which we mean not to ſpare hereafter upon any occaſion of any man's inſolent behavior there, which ſhall be miniſtred unto us;

* The King was now at Newmarket, on the pretence of ſickneſs. *Wilſon.*

and

Anno 1621. and if they have already touched any of theſe points which we have here forbidden, in any petition of theirs which is to be ſent unto us, it is our pleaſure that you ſhall tell them, that except they reform it, before it comes to our hands, we will not deign the hearing or anſwering it."

This letter was received and anſwered by the Commons, with a calmneſs and ſteadineſs which ſufficiently expreſſed the knowledge of their own ſtrength and dignity, and the contemptible light in which they viewed their antagoniſt. They ſent back for their former remonſtrance, but returned it with another which vindicated their juſt pretenſions, and expreſſed a ſorrow for James's miſ-interpretations. To theſe James returned a copious anſwer *, in which the in-

* Among other curious paſſages in this anſwer are the following, on the ſubjects of religion, the king of Spain, and the prince's match.

"But becauſe we conceive that ye couple this war of the Palatinate with the cauſe of religion, we muſt a little unfold your eyes herein. The beginning of this miſerable war, which hath ſet all Chriſtendom on fire, was not for religion, but only cauſed by our ſon-in-law's haſty and harſh reſolution, following evil counſel, to take to himſelf the crown of Bohemia; and that this is true, himſelf wrote letters unto us at that time, deſiring us to give aſſurance both to the French king and ſtate of Venice, that his accepting of the crown of Bohemia had no reference to the cauſe of religion, but only by reaſon of his right of election, as he called it; and we would be ſorry that ſuch aſperſion ſhould come upon our religion as to make it a good pretext for dethroning of kings, and uſurping their crowns; and we would be loth that our people here ſhould be taught that ſtrange doctrine: No, let us not ſo far wrong the Jeſuits as to rob them of their ſweet poſitions and practices in that very point. And whereas you excuſe your touching upon the king of Spain upon occaſion of the incidents by you repeated in that place, and yet affirm, that it is without any touch to his honor, we cannot wonder enough that ye are ſo forgetful both of your words

dignant monarch denounced war againſt all the claims of the Commons, and expoſed his own illegal view of government. "The difference is no greater, ſays he, in your pretending to adviſe us on our expoſing our reaſons for demanding a ſupply, than if a merchant, that we had great need to borrow money from him for raiſing an army, that thereupon it would follow that we were bound to purſue his advice in the direction of the war, and all things depending thereupon." The whole of this anſwer breathes the ſame ſpirit of deſpotiſm as may be found in this example. It finiſhes in the following extraordinary manner: "And though we cannot allow of your ſtyle in mentioning your antient and undoubted right and inheritance, but could rather have wiſhed that ye had ſaid, that your privileges were derived from the grace and permiſſion of our Anno 1621.

words and wits: for in your former petition ye plainly affirm, that he affects the temporal monarchy of the whole earth, than which there can be no more malice uttered againſt any great king, to make all other princes and potentates both envy and hate him; but if ye liſt, it may eaſily be tried whether that ſpeech touched him in honor or not, if ye ſhall aſk him the queſtion, Whether he means to aſſume to himſelf that title or no? for every king can beſt judge of his own honor. We omit the particular ejaculations of ſome foul-mouthed orators in your own houſe againſt the honor of that king's crown and eſtate.

"And touching your excuſe of not determining any thing concerning the match of our deareſt ſon, but only to tell your opinion, and lay it down at our feet; firſt, we deſire to know how you could have preſumed to determine in that point, without committing of high treaſon; and next, you cannot deny but your talking of his match after that manner was a direct breach of our commandment and declaration out of our own mouth, where we plainly profeſſed, that we were in treaty of his match with Spain, and wiſhed you to have that confidence in our religion and wiſdom, that we would ſo manage it as our religion ſhould receive no prejudice by it. *Parl. Hiſt.* vol. V. p. 497, *& ſeq.*

anceſtors

Anno 1621. anceſtors and us (for moſt of them grow from precedents, which ſhews rather a toleration than inheritance) yet we are pleaſed to give you our royal aſſurance, that as long as you contain yourſelves within the limits of your duty, we will be as careful to maintain and preſerve your lawful liberties and privileges as any of our predeceſſors were, nay, as to preſerve our own royal prerogative; ſo as your houſe ſhall only have need to beware to trench upon the prerogatives of the crown, which would enforce us, or any juſt king, to retrench them of their privileges who would pare his prerogative and flowers of his crown." Williams adviſed, that the harſhneſs of this anſwer ſhould be mitigated with a letter from the King to the two houſes. James, finding that the Commons were determined not to enter on buſineſs, followed the advice in ſome meaſure, and wrote again to the ſpeaker and ſecretary Calvert, offering to oblige the Commons with the grant of a requeſt they had made for a general pardon; this ſecond letter ſtill inſiſting that the liberty of the houſes was derived from royal favor. The Commons, before they were diſſolved, entered this proteſtation in vindication of their parliamentary rights:

"The Commons now aſſembled in parliament, juſtly occaſioned thereunto concerning ſundry liberties, franchiſes, and privileges of parliament, amongſt others here mentioned, do make this proteſtation following:

Proteſtation of the Commons. "That the liberties, franchiſes, privileges, and juriſdictions of parliament, are the antient and undoubted birth-right and inheritance of the ſubjects of England, and that the arduous and urgent affairs concerning the King, ſtate, and defence of the realm, and of the church of England,

England, and the maintenance and making laws, and redreſs of grievances which daily happen within this realm, are proper ſubjects and matter of council or debate in parliament, and that in the handling and proceeding of theſe buſineſſes every member of the houſe of parliament hath, and of right ought to have freedom of ſpeech, to propound, treat, and bring to concluſion the ſame; and that the Commons in parliament have like liberty to treat of theſe matters in ſuch order as in their judgment ſhall ſeem fitteſt; and that every member of the ſaid houſe, hath like freedom from all impeachment, impriſonment, and moleſtation, other than by ſentence of the houſe itſelf, for or concerning any ſpeaking, reaſoning, or declaring, any matter or matters touching the parliament or parliament-buſineſs; and that if any of the ſaid members be complained of and queſtioned for any thing done or ſaid in parliament, the ſame is to be ſhewn to the King by the advice and aſſent of all the Commons aſſembled in parliament, before the King give credence to any private information *." Anno 16at.

* The following ſpirited arguments had been urged in the houſe for drawing up this declaration.

Mr. Crew. Our inheritance not matter of grace nor toleration; this of that importance to us, that if we ſhould yield our liberty to be but matter of grace, theſe walls, which have known the holding them theſe many years, would bluſh. Magna Charta, above thirty times confirmed, confirmeth all our liberties; this, but the confirmation of the common law.

Sir Ed. Coke. The law of England is the ſubject's beſt birth-right, becauſe it defendeth all he hath. Magna Charta is nominated *Charta Libertatis*, becauſe it maketh free men; our privileges *in ſumma gradu*, our privileges here are the mother and nurſe of all good laws—the cenſure of great men—the reforming of grievances.

Mr.

Anno 1621. This proteſtation was by the King himſelf ſtruck out of the journal-book, and the parliament was afterwards diſſolved by a proclamation, which ſet forth, "That the King was conſtrained to this act by the undutiful behavior of the lower houſe*." This premature end of the parliament loſt all the bills then depending for the good of the ſubject †.

Diſſolution of parliament.

Sir John Bennet, a judge of the prerogative-court at Canterbury, who had been impeached by the Commons for bribery and corruption, and bound to appearance for the large ſum of nineteen thouſand pounds, by this means eſcaped the puniſhment his miſdemeanors deſerved.

Among the many motions which were made this ſeſſion, one of Buckingham's related to an academy for bringing up the nobility and gentry of this kingdom. Though this was introduced in the very midſt of the enquiries after bribery and corruption, the houſe had the compliance

Mr. Glanville. The King is to have the honor of a requeſt for enjoying our privileges, but hath not the power of a refuſal. *Journ. of the Commons*, vol. I. p. 665, *& ſeq.*

* One of the charges againſt the Commons in this proclamation is for ſpeaking diſreſpectfully of foreign princes: "Howbeit, we are all well ſatisfied of the good inclination of moſt part of our houſe of Commons, teſtified by their ready aſſent to the ſpeedy payment of a ſubſidy newly to be granted; yet, upon this occaſion, ſome particular members of that houſe took ſuch inordinate liberty, not only to treat of our high prerogatives, and of ſundry things, which, without our ſpecial direction, were no fit ſubjects to be treated of in parliament; but alſo, to ſpeak with leſs reſpect of foreign princes our allies, than was fit for any ſubject to do of any anointed king, though in enmity and hoſtility with us." *Parl. Hiſt.* vol. V. p. 521.

† The only acts which paſſed this ſeſſion were three entire ſubſidies granted by the ſpirituality, and two entire ſubſidies granted by the temporality. *Vide Statutes at Large.*

to

to approve of the motion, and adjourned itſelf that the matter might be diſcuſſed. Another material point took up much time, and occaſioned a long debate, at the ſame important criſis; viz. How to give equality of precedence to the two univerſities, in the ſubſidy-bill granted by the laity. On a debate in the committee of the upper houſe on the cuſtoms and privileges of the peers, the opinion of two judges who were appointed to attend the committee was aſked; they refuſed to give an opinion, becauſe the matter propoſed touched the King's prerogative: This refuſal was very diſpleaſing to the Lords; they ordered that both the judges ſhould attend the houſe to anſwer the affair. A bill paſſed both houſes for confirming an hoſpital endowed by Thomas Sutton, with a large eſtate of eight thouſand a-year, beſides thirteen thouſand pounds paid to the earl of Suffolk for the Charter-houſe, and ten thouſand pounds laid out on the building. This foundation was for eighty decayed gentlemen and forty boys. It retains the name of the Charter-houſe to this day. Anno 1621.

Mr. Shepperd, a young member of parliament, had given ſo great an offence by oppoſing, in an intemperate manner, a bill for the better obſerving the Lord's Day, that he was expelled the houſe.

CHAP.

CHAP. VII.

Diſtreſſed ſtate of the Proteſtants.——Unjuſt treatment of Sir Edw. Coke.——Impriſonment of ſeveral members of parliament, and others.——Tranſfer of the electoral dignity from prince Frederic to the duke of Bavaria.——Negociations with Spain.——Prince of Wales's journey to Madrid.——Tranſactions during the prince's ſtay at Madrid.——His return to England.

Anno 1621. Diſtreſſed ſtate of the Proteſtants.

THE preſent diſtreſſed ſtate of the Proteſtants throughout all Chriſtendom, excited a great degree of fearful apprehenſion, from the abrupt diſſolution of the laſt parliament. In Germany, the conqueſts of the Catholics were marked with the moſt bloody acts of cruelty and tyranny. The executions which were daily practiſed among the wretched Bohemians, with the diſtreſſes of the unfortunate Palatine, deterred their eccleſiaſtical brethren from attempting any oppoſition to the formidable deſigns of the houſe of Auſtria. The Proteſtants in France were in as hopeleſs a ſituation: Theſe had been promiſed aſſiſtance from James, and baſely deſerted; they were now overwhelmed by the united parties of the Catholics with the queen-mother and her ſon at their head. All their ſtrong towns were at this time beſieged or taken. The Catholic cauſe began even to revive in England; its votaries not only aſpired to a toleration, but to an enjoyment of equal privileges with the eſtabliſhed church. Theſe were not the dreams of ſanguine zealots, but founded on rational hopes drawn from the approaching union of the court of England with the houſe of Auſtria. The well-grounded

ed fears and reſentment which this ſtate of affairs excited in the minds of the Britiſh ſubjects, had been legally expreſſed by their repreſentatives in parliament; but the inſolent and violent carriage it occaſioned in their ſovereign left them no room to hope that his fatal prejudices would admit of cure. To the dangerous ſyſtem he had adopted, and ſteadily adhered to, might be attributed, though from a remote influence, that ruin which threatened all the reformed, and the oppreſſion to which many of them were at preſent ſubjected. Anno 1621.

Emancipated from the reſtraint of parliament, James was at full liberty to purſue his plan of negotiation, and ſettle the affairs of Europe, by the importance of his character, and the ſplendor of his embaſſies: But that they had as yet produced little effect in favor of the forſaken king of Bohemia, a letter written at this time, from the emperor to Don Balthazar de Zuniga, will ſhew. The emperor magnifies his own victories, and the diſtreſſed ſtate of the Calviniſts, with their chief the elector Palatine; "Whom if, by an impious kind of commiſeration (writes he) I ſhall reſtore, and nouriſh in my boſom, as a trodden half-living ſnake, what can I expect leſs than a deadly ſting from him, who, in regard of his guilt, can never be faithful, but will always gape for an occaſion to free himſelf from his fears; and the genius of whoſe ſect will make him an enemy, or an unſound friend, to the houſe of Auſtria."

Several members of parliament, who had ſhewn themſelves the moſt forward in the cauſe of Religion and Liberty, were committed to priſon. Sir Edward Coke, whoſe generous temper could not long endure the ſervility of court-dependance, was of this number. The meaſure Unjuſt treatment of Sir Edw. Coke.

Anno 1621. he ſuffered of unjuſt perſecution was made up to him by an increaſe of reputation; indeed his abilities never before ſhone in a light ſo conſpicuouſly admirable. The drudging lawyer, animated by the brightneſs of his cauſe, improved into the perſuaſive orator: His talents were at this time ſo remarkable, that it is alledged, the ſucceeding patriots made his harangues their models of elocution. Such was the malice of offended royalty, and ſuch the infamy of its tools, that two wretches, named Lepton and Goldſmith, were inſtigated by Bacon, the late chancellor, to charge Coke with eleven articles of miſbehavior as a judge and a lawyer. Theſe facts were judged by the houſe to be falſe and frivolous, nor could they be proved in the Star-chamber, where Coke was perſecuted with great acrimony. His papers were ſeized after the diſſolution of the parliament, himſelf denied the ſatisfaction of converſing with his wife or children, and the talk of the courtiers was that his life might be affected *. Sir Robert Philips, Pym, Selden, and Mallory, were of the number of committed members. Sir Dudley Diggs, Sir Thomas Crew, Sir Nathaniel Rich, Sir James Perrot, were ſent on frivolous errands into Ireland; Sir Peter Hayman and others into the Palatinate. The court at this time aſſumed the power of employing any man, even without his conſent, in any branch of public buſineſs. The earls of Oxford and Southampton, Sir Edward

Members impriſoned.

* The council debating about the general pardon which was to have paſſed the laſt parliament, had conſidered about the ways of excluding Sir Edward Coke from that benefit, either by preferring a bill againſt him before the publication of the pardon, or by excepting him by name. *Parl. Hiſt.* vol. V. p. 525.

Hawley,

Hawley, Sir George Leeds, Sir Chriſtopher Nevil, and Sutcliff, dean of Exeter, were taken into cuſtody for writing with freedom againſt the Spaniſh match. The public was deprived of the ſervices of Sir John Saville, knight of the ſhire for the county of York, by a different method: he was made comptroller of the houſhold, a privy-counſellor, and afterwards a baron. This was the firſt inſtance of that practice of buying off individuals, which, in the hands of ſucceeding monarchs, has ſilently and ſurely effected what James and his ſon in vain attempted by clamor and violence. Anno 1621. Anno 1622. Ruſhworth.

On the deceaſe of Philip III. of Spain, which happened in the year 1621, the lord Digby was ſent to the court of Philip IV. to renew and conclude the treaty of marriage between the infanta his ſiſter and the prince of Wales. It was at this time in ſo little forwardneſs, that letters paſſed between Philip and Olivares, his prime miniſter, which utterly diſclaimed ſuch an intention. That of Philip is ſo pertinent and conciſe that I ſhall give the whole: "The king my father declared at his death, that his intent never was to marry my ſiſter, the infanta Donna Maria, with the prince of Wales, which your uncle Don Balthazar underſtood, and ſo treated this match ever with intention to delay it. Notwithſtanding it is now ſo far advanced, that, conſidering all the averſeneſs unto it of the infanta, it is time to divert the treaty, which I would have you find out, and I will make good whatſoever it be. But in all other things procure the ſatisfaction of the king of Great Britain, who hath deſerved much, and it ſhall content me, ſo as it be not in the match."

Anno 1622. Olivares, in his anſwer to this letter, acknowledges that the miniſters who treated of the match never meant to effect it, but, by enlarging the treaties, to make uſe of the friendſhip of the king of Great Britain in the affairs of Germany and Flanders. He propoſes a double marriage with the emperor's eldeſt daughter to the prince of Wales, and the ſecond daughter to the elector Palatine's ſon, as a means to ſatisfy James, and compoſe the differences in Germany. Things being in this ſtate, it is no wonder that Digby did not meet with that magnificent reception which an ambaſſador, coming on ſo friendly, and ſo ſeemingly approved an errand, might have expected. He was ſuffered to ſtay two or three days at a poor village near the court, without having any civilities paid him, or even neceſſaries provided for him.

Negotiations at Bruſſels. About this time a kind of negotiation was carried on at Bruſſels, under the authority of the archdutcheſs, whom the emperor had pretended to have veſted with ſufficient powers to treat with James concerning the terms of his ſon-in-law's re-eſtabliſhment. The terms offered by James were,

That the king of Bohemia ſhould, for himſelf and his ſon, renounce all pretence of right and claim to that crown:

That he ſhould from henceforth yield all conſtant due devotion to the Imperial majeſty, as did other obedient princes electors of the empire:

That he ſhould crave pardon on his knees of the Imperial majeſty:

That he ſhould not hereafter, any manner of way, demean himſelf unfittingly towards the Imperial

Imperial majeſty, nor diſturb his kingdoms or countries: Anno 1622.

That he ſhould, upon reaſonable terms, reconcile himſelf to other princes and ſtates of the empire; and that he ſhould do whatever like thing ſhould be judged reaſonable and neceſſary.

Sir Richard Weſton, a Papiſt, was truſted with the management of this buſineſs, as being more agreeable to the party. Moreover, to gain entirely the favor of the archduchеſs, James ſuffered four thouſand men to be raiſed in England to ſerve againſt the Proteſtants in the Netherlands.

When the commiſſioners began to treat on the intended negotiation, it was objected, that James's ambaſſador could not produce ſufficient powers from the king of Bohemia, and the archduchеſs was ſtill to be directed by the court of Vienna; the whole buſineſs being only a ſpecious pretext to impoſe farther on the credulity of James.

While this farce was acting at Bruſſels, the king of Bohemia, who had entertained no hopes on the reſult of James's meaſures, ſtole from the Hague, and joined Mansfeild's army in Alſatia. Chriſtian, duke of Brunſwick, and the marquis of Baden-Dourlach, each at the head of a ſtrong force, declared themſelves champions for the Proteſtant cauſe; the duke of Brunſwic was poſſeſſed of the adminiſtratorſhip of Halberſtadt, which he would have been in danger of loſing, if the Auſtrian arms had made farther progreſs in Germany.

The ray of hope which now dawned upon Frederick's fortune was ſoon obſcured: Prince Baden was defeated by the prince of Anhalt before he could join his allies; and Tilly, general to the duke

MVSEVM BRITANNICVM

Anno 1622. of Bavaria, forced Mansfeild to retreat, and the duke of Brunſwic to come to an engagement, in which he cut off all his infantry; tha duke fled with his cavalry to Mansfeild. Theſe accumulated misfortunes induced Frederick to obey James's reiterated injunctions of returning to Holland, there to wait the ſucceſs of his negotiations. The firſt news that this unfortunate prince heard after his retreat was, that Tilly had taken Heidlebergh * by ſtorm, and beſieged Manheim, two towns in the Lower Palatinate. James had prematurely boaſted that his ſon-in-law held that country under his protection †.

While affairs were in this deſperate ſituation, the treaty ſtill lingered at Bruſſels, it having been on purpoſe protracted till Tilly, who no longer met with oppoſition, had taken both Heidlebergh and Manheim. James was entirely ſatisfied with the Spaniſh monarch for having, at his deſire, ſent an order for Manheim to be ſpared, till a truce could be concluded. It is to be noted, that this interpoſition did not preſerve Manheim, the order not having been ſent till after it had ſurrendered. Notwithſtanding this circumſtance, James continued to repoſe ſuch confidence in the candor and integrity of the Auſtrian family, that he put Frankendale, the only remaining town of

* The famous library at Heidlebergh was ſent from thence to Rome.

† A truce for five weeks had been concluded between Spinola, general of the Spaniſh army in the Lower Palatinate, and Sir Horace Vere, who commanded the troops of the elector. The archduchеſs made James believe that the truce was granted to his ſolicitation: but the emperor's reaſon for conſenting to it was, that he might have time to ſend forces into that province, in the room of thoſe which Spinola was obliged to withdraw into Brabant, to over-awe the Dutch.

the

FH
MVSEVM
BRITANNICVM

the Palatine's dominions, into the hands of the archdutcheſs, to be re-ſurrendered at the expiration of a truce of eighteen months. One of the articles of the truce was, that the elector ſhould renounce all connections with the prince of Brunſwic and count Mansfeild. Anno 1622.

Before the concluſion of the treaty, the emperor had transferred the dignity of elector Palatine to the duke of Bavaria *, and diſmembered both the Palatinates, by diſtributing them in portions to the Catholic powers †. The elector of Saxony, and ſeveral princes, oppoſed this act, as contrary to the fundamental laws of the empire, which admit not of the diſpoſing of an electorate without the conſent of every member of the electoral college. Transfer of the electoral dignity.

Whilſt even Frederick's enemies murmured at the arbitrary ſeverities practiſed againſt him, James ‡ was ſo little affected by them, that Gondemar wrote word to Spain, that he had lulled

* This was at the diet of Ratiſbon. The Spaniſh ambaſſador ſeemingly oppoſed this transfer; all Europe regarded it as a colluſion between the king of Spain and the emperor; Carleton, the Engliſh reſident at the Hague, repreſented it in this light to Buckingham.

† The new elector was put in poſſeſſion of all the Upper Palatinate, and that part of the Lower which is on the fartheſt ſide of the Rhine. To the king of Spain was given the reſt of the Lower Palatinate, except the bailiage of Germerſheim and its dependencies, which were beſtowed upon the archduke Leopold. William biſhop of Straſburg, the landgrave of Darmſtadt, had the bailiwics of Unſburgh and Umſtadt; and the archbiſhop of Mentz regained the poſſeſſion of what the Palatine held in the Berghſtract by mortgage from his biſhopric.

‡ In one of the emperor's declarations againſt the elector and his adherents, he urged, that the revolt of the Bohemians had not even met with the approbation of the King of Great Britain. *Ruſhworth.*

MUSEUM BRITANNICUM

Anno 1622. the King of England ſo faſt aſleep that he hoped neither the cries of his daughter nor her children, nor the repeated ſolicitations of his ſubjects in their behalf, ſhould be able to awaken him.

Incongruous as were James's meaſures to obvious politics, both himſelf and cabinet plumed themſelves much upon them; and, in order to take proper advantages of the lately concluded truce, and to obtain a confirmation of the marriage before its expiration, the king of Spain was gratified with an order to releaſe all the Popiſh recuſants, who had been impriſoned according to the dictates of the law †.

Ruſhworth. On a general offence taken at this unlimited indulgence, the lord-keeper Williams wrote a letter to the juſtices, to vindicate the King's conduct. "As the ſun (ſaid he) in the firmament appears to us no bigger than a platter, and the ſtars are but as ſo many nails in the pommel of a ſaddle, becauſe of the enlargement and diſproportion between our eye and the object, ſo is there ſuch an unmeaſurable diſtance between the deep reſolution of a prince, and the ſhallow apprehenſions of common and ordinary people."

† The number of theſe is mentioned in a letter of Serica, ſecretary of the Spaniſh king, to Mr. Cottington; they were no leſs than four thouſand. The letter which the lord-keeper Williams wrote for the general enlargement of Popiſh recuſants is as follows: "I am to give you to underſtand how his majeſty's royal pleaſure is, that upon receipt of theſe writs you ſhall make no niceneſs or difficulty to extend that his princely favor to all ſuch Papiſts as you ſhall find priſoners in the goals of your circuits, for any church-recuſancy whatſoever, or refuſing the oath of ſupremacy, or diſperſing Popiſh books, or hearing ſaying of maſs, or any other point of recuſancy which doth touch or concern religion only, and not matters of ſtate." *Prynn's Neceſſary Introduction to the Archbiſhop of Canterbury his Trial*, fol. ed. 1646, p. 14.

He

MVSEVM BRITANNICVM

He then declares that the King was at that time a moſt zealous interceſſor for ſome eaſe and refreſhment to all the Proteſtants in Europe, which were unreaſonable, if he did now execute the rigor of the laws againſt Roman Catholics. "But to conclude, ſaid he, from the favor done to the Engliſh Papiſts, that the King favors the Romiſh religion is a compoſition of folly and malice, little deſerved by a gracious prince, who, by word, writing, exerciſe of religion, and acts of parliament, hath ſhewed himſelf ſo reſolved a Proteſtant." Anno 1624.

About this time the following orders were given to reſtrain popular preachers:

That no preacher, of what title or denomination ſoever, from henceforth ſhould preſume, in any auditory within this kingdom, to declare, limit, or bound out, by way of poſitive doctrine, the power, prerogative, and juriſdiction of ſovereigns, or otherwiſe meddle with matters of ſtate, and the differences between princes and the people, than as they are inſtructed and precedented in the homilies of obedience: Reſtraint on popular preachers.

That no preacher, of what title or denomination ſoever, ſhall preſume, cauſeleſsly or without invitation from the text, to fall into bitter invectives and indecent railing ſpeeches againſt the perſons of either Papiſts or Puritans.

Whether James began to deſpair of ſucceſs from his pacific meaſures; or whether, more probably, he depended on the credulity of his ſubjects for the draining their purſes, he demanded at this time a voluntary contribution for the recovery of the Palatinates by force of arms. Letters were written to the high-ſheriffs and juſtices of the peace, to return the names of the contributors,

Anno 1622. contributors, that notice might be taken of thoſe who refuſed.

While the people of England were thus amuſed with high language, letters of complaint were continually paſſing from the King and his miniſter to the court of Spain. They repreſented James's ſtrong attachment to the Auſtrian family, notwithſtanding the oppoſition he met with from the public ſpirit of the people, and the diſcouragement he had received from the colluſion between their Imperial and Catholic majeſties, to bubble and abuſe him. They complained that, upon the faith of aſſurances received from Gondemar, the priſons were emptied of Popiſh recuſants, and filled with Puritans, and the oppoſers of the match. They ſet forth James's merit with the houſe of Auſtria, in perſuading his ſon-in-law to throw himſelf upon the mercy of the emperor; and that, according to that perſuaſion, count Mansfeild and the duke of Brunſwic had received their diſmiſſion; that himſelf, by the incitements of Spain, had broke with France; yet, notwithſtanding theſe graces and conceſſions, even while he was receiving the ſtrongeſt aſſurances of favor to his ſon-in-law from Madrid and Bruſſels, Heidlebergh had been ſacked, and Manheim taken, though garriſoned by Engliſh troops.

Negotiations with Spain.

No motive leſs conſiderable than the treaty in agitation could have excited James to confeſs himſelf the dupe to the king of Spain. This was not the only mortification which at this time aſſailed him: He began to apprehend that the purpoſed delays to which the concluſion of the treaty was ſubjected by its firſt article might be drawn on to infinity; ſtimulated by this fear, he

ſent

ſent an agent to Rome to ſolicit from the pope proper authorities for completing the marriage. Anno 1622.

This ſtep ſerved but to expoſe his keenneſs for the alliance, and produced theſe additions to the already ſtipulated articles:

That the Roman Catholics ſhould be allowed a public church in London, beſides the infanta's private chapel; and that the miniſter of that church ſhould be a biſhop:

That the Popiſh eccleſiaſtics ſhould be ſubject to the laws of their own ſuperiors only:

That the children of the marriage ſhould be educated by the mother; and that ſome farther propoſals ſhould be agreed to for the benefit of Popery.

To theſe exorbitant demands James returned this anſwer:

That he was willing to allow the infanta a public chapel, or rather a church, in which a biſhop might officiate. To the ſecond article he objected,

That there was no example of ſuch an exemption for eccleſiaſtics, even in Popiſh ſtates. To the third article,

That the children ſhould be left, for a limited time to be fixed by the king of Spain, under the tuition of their mother. To the farther indulgencies for Popery he ſaid,

That the articles of religion agreed upon between him and the late king of Spain were accounted ſo ſatisfactory, in the judgment of the moſt learned clergy in Spain, that they declared their opinion, that, upon the offer of ſuch conditions, the pope ought not to with-hold the diſpenſation *.

* Ruſhworth obſerves, that it appeared here that Spain had concealed from the pope ſome articles which James had already yielded to. *Ruſhworth*, vol. I. p. 66.

This

Anno 1622. This anſwer was ſent to Madrid, that it might not publicly appear the King treated with the court of Rome. The profeſſions of Spain now grew ſtronger: Olivares declared, that if the emperor ſhould refuſe to reſtore Heidlebergh, or to condeſcend to ſuch accommodation as ſhould be adjudged reaſonable, the King of Great Britain ſhould be infallibly aſſiſted with the arms of his Catholic majeſty for reſtoring the Palatinate. The letters which Digby, now made earl of Briſtol, wrote, were full of aſſurances of ſucceſs.

Cabala.

Whilſt this contract took up the whole attention of the court of England, the town of Bergen-op-Zoom, which had been beſieged by Spinola, ſince the expiration of the truce between Holland and Spain, was relieved by the duke of Brunſwic and count Mansfeild, who had joined prince Maurice, after their diſmiſſion from the king of Bohemia's ſervice.

Anno 1623. On the reception of James's favorable anſwer, the alliance of the Stewart family with the houſe of Auſtria began, even at Madrid, to wear a ſerious aſpect. The king of Spain and his miniſters, who had hitherto made uſe of the treaty as a lure to induce the Britiſh monarch to connive at their practices in Germany, found the bait had been ſwallowed too eagerly to be eaſily diſgorged: The articles of religion, which had been thrown in as plauſible impediments, by the unexpected conceſſions of James, brought the affair to a criſis which could not end in a rupture of the treaty, without reflecting an equal ſhare of infamy on the deceiver and deceived. An epiſtolary correſpondence had been actually begun between James and the pope, who would have thought himſelf ill-treated if his authority had been uſed as a ſtale to ſerve the

the purpoſes of Spain, who was at preſent entangled in her own ſnares. Compunction of honor operated on Spaniſh counſels; or, what is more probable, they began to flatter themſelves, that the converſion of Great Britain would be produced by this alliance, and the infanta numbered with the divinities in the Popiſh legends. Some or all of theſe motives influenced at preſent ſo ſtrongly the meaſures of Philip and his miniſtry, that the arrival of the diſpenſation, which was expected from Rome in March or April, was to be followed in four days by a ſolemnization of the nuptials. The articles of the portion and jointure were already ſettled. Briſtol wrote word, that he ſhould ſoon bring into England the moſt accompliſhed princeſs in the world, with a portion of two millions. Ann. 1623.

This miniſter's proſpects on the merit of having concluded this deſired buſineſs, and the intereſt he had with a family which was on the eve of having an important influence on the court of England, excited in the breaſt of Buckingham ſenſations of jealouſy; theſe, with the natural vanity of his diſpoſition, fired him with a deſire to introduce himſelf to the court of Spain. The ſole poſſeſſion of James's favor, who was at preſent old, and in decline, was no longer the ultimate object of his views. He had for ſome time ſtudiouſly cultivated the prince's friendſhip, and poſſeſſed at this time ſuch a degree of his confidence as to engage him in the romantic project of a journey to Madrid. The prince, though he was grave and ſedate, had an amorous diſpoſition; his reading, which had been chiefly romances, was as little calculated to inſtruct him in rational manners, as were his father's precepts and example in rational principles of religion and

Anno 1623. and government. Thus biaſſed, it is no wonder that his youthful mind was inflamed by the fanciful arguments of Buckingham, who urged the adventure as a refined piece of gallantry, worthy an accompliſhed prince.

The expedition having been agreed on between the two parties, on the firſt favorable opportunity, when James was a little elevated by his liquor, and a previous converſation on the expected arrival of the infanta, an aſſent to their deſign was ſo importunately begged by the prince, and ſeconded by Buckingham, with arguments adapted to the King's inclination, that the eaſy monarch was at length prevailed on to give it. The argument urged on the occaſion was, that this piece of gallantry would be followed by the immediate reſtoration of the Palatinate, as a part of the payment of that vaſt obligation which the prince would lay on the infanta by ſuch an unuſual compliment. When the King's promiſe had been thus obtained, he was farther urged for an aſſent, that they might put their deſign in immediate execution, without other attendants than two ſervants, who ſhould be kept in total ignorance till the moment of their departure.

Clarendon, ed. 1702. vol. I. p. 11. & ſeq.

On the firſt hour of ſolitude, James revolved in his mind the paſt conſultation: Innumerable difficulties preſented themſelves to his frighted imagination; his diſorder was ſo great when the prince and Buckingham returned to him for the diſpatch that he fell into a paſſion of tears, cried out he was undone, and that they would break his heart if they perſiſted in their reſolution. Then, with unuſual earneſtneſs, he ſet before them the evils which muſt attend the raſh enterprize; that beſides the inevitable hazard to which the prince's perſon would be expoſed, it muſt occaſion

caſion the entire loſs of the peoples' affection to himſelf, and the ruin of the almoſt-compleated match; that on the prince's arrival at Madrid the articles of the treaty would be laid aſide, and new matter propoſed which had not yet been mentioned, and could never be conſented to by him. This and much more he ſaid to the ſame purpoſe, conjuring them with ſighs, and an increaſe of tears, that they would no more preſs him on a thing contrary to his underſtanding and intereſt. The ſuppliant monarch received no anſwer to the weighty reaſons he had inſiſted on: The prince put him in mind of the promiſe he had made the day before; which, he added, was ſo ſacred that he hoped he would not violate it; that if he did, he would never more think of marriage. Buckingham treated him with the utmoſt inſolence; told him, that his word would never be again believed, after his retracting ſo ſoon what he had ſo ſolemnly promiſed; that he plainly diſcerned it proceeded from another breach of his word, in communicating with ſome raſcal, who had furniſhed him with thoſe pitiful reaſons, but he doubted not that he ſhould know hereafter who his counſellor had been; that his receding from his promiſe would be ſuch a diſobligation to the prince, that undoubtedly he would never forget it, or forgive the man who had been the cauſe of it. The importunity of the prince, and the roughneſs of Buckingham, entirely prevailed over the facile diſpoſition of James, who, after having diſclaimed, with many oaths, the having communicated the matter to any perſon living, gave them, a ſecond time, a full leave to follow their inclination. It was agreed, that they ſhould ſet out in two days, and that Sir Francis Cottington, the Anno 1623.

prince's

Anno 1623. prince's ſecretary, and Endymion Porter, one of his gentlemen of the bed-chamber, ſhould attend them *. James, thinking it proper that the intention ſhould be immediately communicated to them, that all things neceſſary to the journey might be prepared, ſent for Sir Francis Cottington.

On his appearance he previouſly cautioned him concerning the truſt he was going to repoſe in him; then ſaid, "Cottington, here is baby Charles, and Stennie, have a mind to ride poſt to Spain, to fetch home the infanta; they will have but two more in their company, and have choſen you for one: What think you of the journey?" Cottington replied, "He could not think well of it, for he believed it would render fruitleſs all which had been hitherto done in the match." He then went on, repreſenting the ſame obvious reaſons which had already occurred to the King. On Cottington's diſcourſe, the King, throwing himſelf upon a bed, in another paſſion of ſighs, tears, and lamentations, exclaimed, "I told you this before; I am undone! I am undone! and ſhall loſe baby Charles!" Anger and rage appeared in the countenances of the prince and Buckingham: The latter reproached Cottington with the utmoſt bitterneſs, told him, "That on being aſked by the King which was the beſt way to make the journey, he had had the preſumption to give his advice in matters of ſtate, and againſt his maſter, without being called to it, which he ſhould repent as long as he lved."

* Cottington had been one of Cornwallis's clerks when he was James's reſident in Spain; and Endymion Porter had been a menial ſervant to Buckingham's brother, from thence preferred to his ſervice, and afterwards to be gentleman of the bed-chamber to the prince. *Wilſon*, p. 225.

lived." Theſe threatenings put the King into a new agony; who cried out, "Nay, by God, Stenie, you are very much to blame to uſe him ſo; he anſwered me directly to the queſtion I aſked him, and very honeſtly and wiſely, and yet you know he ſaid no more than I told you before he was called in." It now appeared plainly that the deſign came originally from Buckingham. James was obliged to yield to his impetuoſity, and Cottington had directions given him for the journey. Anno 1623.

To the great regret of the dejected king, the prince, with his adviſer and his two attendants, ſet out from London on the twenty-ſeventh of February; they paſſed through France in diſguiſe, and reached Madrid in the ſpace of eleven days *. They had been guilty of the indiſcre- Prince's journey to Madrid.

* James, who had now recovered his deſpondency, wrote the following curious letter to his ſon and favorite, eighteen days after their departure from England.

"My ſweete boys, I wryte this now this ſevint letre unto you upon the ſeventeenth of Mairche, ſent in my ſhippe called the Adventure, to my two boys adventurers, qwhom God ever bleſſe; and now to begin with him, *á jove principium*, I have ſent you, my babie, two of your chaplains fitteſt for this purpoſe, Mawe and Wren, together with all ſtuffe and ornaments fitte for the ſervice of God; I have fully inſtructed thaime, ſo as all thaire behavioure and ſervice ſhall, I hoape, prove deecnt and agreeable to the puritie of the primitive church, and yet as neare the Romane forme as can lawfully be done, for itt hath ever been my way to goe with the church of Rome, *uſque ad aras*. All the particulars hereof I remitte to the relation of youre before-named chaplens. I ſend you alſo youre roabes of the order, qwhich you muſt not forgette to weare upon Saint Georges's day, and dine together in thaime, if they can come in time, qwhiehe I pray God thaye maye, for it wille be a godlie ſight for the Spaniardis to ſee my two boys dyne in thaime. I ſend you alſo the jewells I promeiſed, both ſome of myne and ſuch of youres, I meane bothe of you, as are worthy the ſending, for my babie's preſenting his miſtreſſe.

Anno 1623. tion of venturing as ſpectators at a court-ball in France, where Charles had a view of the princeſs

I ſend him an old double croſſe of Lorraine, not ſo riche as awncient, and yet not contemptible for the valew; a goodlie looking-glaſſe, with my picture in itt, to be hung att her girdle, qwhiche you muſt tell her ye have cauſed itt ſo to be enchawnted by airt magike, as whenſoever ſhee ſhall be pleaſed to looke in itt ſhe will ſee the faireſt ladie that either her brother or youre father's dominions can affoorde; ye ſhall preſente her with two faire long diamonts, ſet lyke an anker, and a faire pendante dyamont hanging at thaime; ye ſhall give her a goodly roape of pearles; ye ſhall give her a carquant or coller, threttein great ballas rubeis, and threttein knotes or cinques of pearles; and ye ſhall give her a head-dreſſing of two and twenty great peare pearles; and ye ſhall give her three godlie peare pendant dyamonts, qwhairof the biggeſt to be worne at a needle on the middeſt of her foreheade, and one in everie eare. And for my babie's owin wearing ye have two goode jewells of your owin, youre rounde broache of dyamonts, and your tryangle dyamont, with the great round pearle; and I ſend you for youre wearing the three brethren that ye know full well, but newlie ſette, and the mirroure of Frawnce, the fellow of the Portugal dyamont, qwhiche I wolde wiſhe you to weare alone in your hatte, with a littſe blacke feather; ye have alſo good dyamont buttons of youre owin to be ſett to a doublette or jerkin; as for youre I, it may ſerve for a preſent to a don. As for thee, my ſweete goſſeppe, I ſend thee a faire table-dyamonde, qwhich I wolde once have gevin thee before if thou wolde have taken itt, for wearing on thy hatte, or qwhaire thou plaiſis; and if my babie will ſpaire thee the two long dyamonts in forme of an anker, with the pendant dyamont, itt were fit for an admirall to wear, and he hath enough better jewells for his miſtreſſe. Thou hes of thyne owin thy goode olde jewell, thy three pindars dyamonts; thy picture-caſe I gave Kate, and the great dyamont-chaine I gave her, qwho wolde have ſent thee the leaſt prinne ſhe hadde, if I had not ſtayed her. If my babie will not ſpaire the anker from his miſtreſſe, he may well lend thee his rounde broache to weare, and yet he ſhall have jewells to weare in his hatte for three great dayes. And now for the form of my babie's preſenting of his jewells to his miſtreſſe, I leave that to himſelfe, with Stennie's advice, and my lord of Briſtolt's, onlie I would not have thaime preſented all at once, but att the more ſundrie times the better,

Henrietta, his after-wife. Equally ſtrong were the aſtoniſhment, mortification, and confuſion of Briſtol, when he ſaw the travellers alight at his houſe: Nothing, in his opinion, but a demon in the form of the prince of Wales, could have prevented the ſucceſsful termination of an affair which had coſt ſo much time, pains, and vexation. It was alledged againſt him by Buckingham, that, on finding the prince's errand was not to turn Papiſt, as he at firſt ſuſpected it was, he adviſed him with earneſtneſs to that ſtep. Nor is this fact improbable, ſince, in the preſent circumſtances, the miniſter might rationally conclude, that a contrary reſolution would be followed by the rupture of the treaty, and, with it, the diſappointment of his future proſpects. Anno 1623.

When the arrival of the royal viſitor was formally made known to the Spaniſh monarch, the attention of himſelf and council was totally employed in deviſing on the occaſion a reception as romantically exalted as the occaſion itſelf; The prince arrives at Madrid.

better, and I would have the rareſt and richeſt kept hinmoſte. I have alſo ſent four other croſſes of meaner valew, with a great pointed dyamont in a ring, qwhich will ſave charges in preſents to dons, according to their qualities; but I will ſend with the fleete dyvers other jewells for preſents for ſaving of chairges, qwhairof we have ſoe muche neede; for till my babie's comming away thaire will be no neede of giving of preſents to any but to her. Thus you ſee how as long as I want the ſweete comforte of my boyes converſation, I ame forced, yea, and delytes, to converſe with thaime by long letres. God bleſſe you both, my ſweete boyes, and ſende you, after a ſucceſsfull journey, a joyefull and happie returne in the armis of your deare dade.

James R.

"From Newmarket, on Saint Patrick's-daye, qwho of olde was to well patronized in the country ye are in."

MSS. in the Brit. Muſeum, n. 6011, p. 21, *& ſeq.*

Anno 1623. nor could the moſt heated fancy of their own romance-writers deſcribe more pompous ceremonies, or more bombaſt expreſſions of reſpect, than were here practiſed to delight the imagination of their enamored gueſt: The priſons in Spain were thrown open; the ſumptuary laws ſuſpended; the privy-counſellors waited on him in a body to inform him, that they had expreſs orders to obey him as exactly as the king himſelf. Nor was he ſuffered long to languiſh for the ſight of his miſtreſs, who was carried abroad to viſit a monaſtery, that her lover might be gratified with a diſtant view. His introduction into the palace was performed with the ſame parade which attends the kings of Spain at their inauguration; Philip took the left hand of him on all occaſions; he was conſtantly ſerved by the grandees and tituladoes; preſented with golden keys of all the regal apartments, that he might have acceſs at all hours; the queen ſent him divers preſents of rich apparel, perfumes, and other rarities of the country; he was entertained with a variety of ſhows and triumphs, where, like a ſucceſsful knight, he often obtained the prize in preſence of his miſtreſs; at a dinner at St. Jerome's monaſtery, ſeveral of the chief officers of the crown waited on him bare-headed. Wilſon aſſerts, that this ſervile cuſtom was introduced into Spain by Philip II. who had carried it from England, where he had been thus attended *.

His reception.

Wilſon, p. 228.

Whilſt this pompous ſcene was acting at Madrid, the diſpenſation lingered at Rome. The

* Sully, in his Memoirs, teſtifies the having been much ſurprized at beholding the ceremony of ſerving the king of England, at the time of dinner on the knee.

prime-

prime-miniſter Olivares, in his firſt congratulations to the prince, told him, "That the match would be concluded inſtantly; that now the kings of Spain and England ſhould divide the world between them, for that he did not queſtion but he came to change his religion." The artful Gondemar, who was at this time at Madrid, did not fail to act his part of the farce, by telling the prince one day, in a jocular manner, "That he had ſtrange news to tell him, which was, that himſelf, though an Engliſhman in his heart, had been made that morning a privy-counſellor." This was followed by a compliment from Philip, that he had conferred that honor on Gondemar that his highneſs might be informed of all their reſolves. Anno 1623.

Charles at this time received a letter from the pope: It expreſſes an aſſured belief that the prince was come to Spain for the purpoſe of being received into the boſom of the papal church. As the prince's anſwer to this letter has been repreſented by a very ingenious author in the light of a decent compliment, to which there could be no ſubſtantial objections, I ſhall give it at full length. Intercourſe of letters between Charles and the pope.

Prince Charles to pope Gregory XV.

"Moſt holy father,

"We have received your letter with no leſs thankfulneſs and reſpect than is due to the ſingular good-will and godly affection wherewith we know it was written. It was moſt acceptable to us, that the never-enough-renowned examples of our anceſtors were propoſed to us by your holineſs for our inſpection and imitation; who, though they often hazarded their lives and for- Rushworth, vol. I. p. 80, & ſeq.

Anno 1623. tunes, to propagate the Chriſtian faith, yet did they never more chearfully diſplay the banners of Chriſt crucified, againſt his moſt bitter enemies, than we will endeavor to the utmoſt that the peace and union which ſo long triumphed may be reduced into the Chriſtian world, after a kind of elimination or exile. For ſince the malice of the father of diſcords hath ſowed ſuch unhappy diviſions amongſt thoſe who profeſs the Chriſtian religion, we account this moſt neceſſary, thereby to promote with better ſucceſs the glory of God, and Chriſt our Saviour. Nor ſhall we eſteem it leſs honor to tread in their footſteps, and to have been their rivals and imitators in holy undertakings, than to have been deſcended of them; and we are very much encouraged to this, as well by the known inclination of our lord and father, and his ardent deſire to lend a hand to ſo pious a work, as by the anguiſh which gnaws his royal breaſt when he conſiders what cruel deſtructions, what deplorable calamities ariſe out of the diſſentions of Chriſtian princes. Your holineſs's conjecture of our deſire to contract an alliance and marriage with a Catholic family and princeſs, is agreeable both to your wiſdom and charity; for we would never deſire ſo vehemently to be joined in a ſtrict and indiſſoluble bond with any mortal whatſoever, whoſe religion we hated. Therefore your holineſs may be aſſured, that we are, and always will be, of that moderation as to abſtain from ſuch actions as may teſtify our hatred againſt the Roman Catholic religion; we will rather embrace all occaſions whereby, through a gentle and fair procedure, all ſiniſter ſuſpicions may be taken away: That as we all confeſs one individual Trinity, and one Chriſt crucified, we may unanimouſly grow up into one faith; which

that

that we may compaſs, we little value all labor and watchings, yea, the very hazard of our lives. It remains that we render thanks to your holineſs for your letter, which we eſteem as a ſingular preſent, and wiſh your holineſs all proſperity and eternal happineſs." Anno 1623.

To make the comment upon this anſwer more eaſy, it muſt be known that the pope, in his letter, exhorts the prince to follow his anceſtors in obedience to the ſee of Rome. "It was moſt acceptable to us, returns the prince, that the never-enough-renowned examples of our anceſtors were propoſed to us by your holineſs for our inſpection and imitation." The pope propoſes no medium, he inſiſts upon a return of obedience to the papal hierarchy: "Yet did they never, ſays the prince, more chearfully diſplay the banners of Chriſt crucified, againſt his moſt bitter enemies, than we will endeavor to the utmoſt to reſtore peace and union in the church." The pope ſuppoſes that the prince proſecutes the intended marriage with a deſign to re-unite himſelf to the church of Rome: The prince returns anſwer, "That the pope's conjecture is according to charity and wiſdom, for he would never deſire to be joined in marriage with any one whoſe religion he hated." It is very apparent, from the whole tenor of the anſwer, that at this time the love-ſick prince was too much rivetted in the deſire of the match to let any obſtacles in point of religion interpoſe between him and poſſeſſion. But whilſt his paſſion was tantalized by daily expectations of the diſpenſation, it at length arrived from Rome, tacked to additional articles in point of religion. As theſe were of great importance, he was obliged to refer them to his father, and Cottington was ſent into England on this errand.

Anno 1623. James was ſo delighted with the account of his ſon's treatment at the court of Spain, that he broke out into frantic expreſſions of joy, and was heard ſeveral times to ſay, "Now all the devils in hell cannot hinder the match." On his aſking his council whether it would be convenient to grant a toleration for Papiſts, he received a letter from the archbiſhop of Canterbury, which ſtrongly repreſented to him how incongruous ſuch a meaſure was to all his paſt profeſſions, and how dangerous the attempt to abrogate the laws of the land by his own power, might prove to the welfare of himſelf and family. This ſpirited interpoſition was made by the worthy prelate whilſt he lay under diſgrace for having killed a park-keeper in an attempt to ſhoot a deer. His mortification for this unlucky accident had been ſo great as to petition the King for leave to retire to an alms-houſe at Guildford, which he had built for the maintenance of the poor.

Williams, the lord-keeper, had informed Buckingham, that, by the common law yet in force, the archbiſhop was made irregular, *ipſo facto*, and ſo ſuſpended from all eccleſiaſtical functions, until reſtored by his ſuperior, who was the King's majeſty; to this he added, "That though it was againſt the King's nature to add affliction to the afflicted, yet to leave a man of of blood primate and patriarch of all his churches, founded very harſh in the old councils and canons, and the Papiſts would not ſpare to cenſure it *." It is very much to James's credit that this

* Williams, who was at this time indulged with the biſhopric of Lincoln, refuſed to be conſecrated by the unfortunate prelate. It may be queſtioned whether this objection aroſe from a conſcience delicate in trifles, or from the fair proſpect he had of ſucceeding himſelf to the ſee of Canterbury,

this advice was rejected, and the archbiſhop continued in his eccleſiaſtical dignity. Anno 1623.

Cottington was ſoon ſent back to Spain with the additional articles ſigned by the King and council. Tranſactions during the prince's ſtay at Madrid. Ruſhworth, vol. I. p. 84, & ſeq.

That the infanta ſhould take with her her family, and that theſe ſhall be nominated by the Catholic king, and afterwards ſupplied by him:

That the election of her prieſts ſhall belong to the infanta:

That the ſervants of the family of the lady infanta ſhall not be obliged to take the oath of allegiance to the King of Great Britain, provided there be any clauſe contrary to their conſciences, and the Roman Catholic religion:

That the laws which are, or ſhall be, againſt religion, ſhall not take hold of the ſaid ſervants, and only the ſuperior eccleſiaſtic may proceed againſt eccleſiaſtical perſons, as hath been accuſtomed by Catholics. And if any ſecular judge ſhall apprehend any eccleſiaſtical perſon for any offence, he ſhall forthwith cauſe him to be delivered to the ſuperior eccleſiaſtic, who ſhall proceed againſt him according to the canon-law:

That the nurſes who ſhall give ſuck to the children of the lady infanta, ſhall be choſen by the lady infanta.

To theſe additional articles, with thoſe already mentioned, the King and privy-council

bury, had Abbot been judged incapable, and a deſire to pleaſe his patron Buckingham, to whom Abbot was very diſagreeable. Laud, who, by the means of that favorite, was at this time appointed biſhop of St. David's, had the ſame ſcruples. It is to be remarked, that this prelate afterwards aſſiſted at the ceremony of the conſecration of Richard Montague to the ſee of Chicheſter, which was performed by Abbot. Montague had been as zealous as Laud in ſupporting the pretence of his irregularity.

ſwore.

Anno 1623. ſwore. Moreover, the King agreed to theſe private ones:

That particular laws now enacted againſt Roman Catholics, and even general laws, under which all the ſubjects are comprized, if they are repugnant to the Roman Catholic religion, ſhall not at any time hereafter, by any means or chance whatſoever, directly or indirectly, be commanded to be put in execution againſt the ſaid Roman Catholics; and we will cauſe that our council ſhall take the ſame oath, as far as it pertains to them:

That no attempt ſhall be made with the moſt renowned lady infanta, Donna Maria, about any thing which ſhall be repugnant to the Roman Catholic religion, or thoſe things which ſhall be contained in the treaty of matrimony:

That we and the prince of Wales will interpoſe our authority, and will do as much as in us lies, that the parliament ſhall ratify the articles capitulated between the moſt renowned kings in favor of the Roman Catholics by reaſon of this marriage, and that the ſaid parliament ſhall revoke and abrogate the particular laws made againſt Roman Catholics, as likewiſe the general laws under which all are equally comprehended, if they are repugnant to the Roman Catholic religion; and we will not hereafter conſent that the ſaid parliament ſhall ever at any time enact or write any other new laws againſt Roman Catholics.

The privy-counſellor's oath was this:

"I, A. B. do ſwear that I will truly and fully obſerve, as much as belongeth to me, all and every of the articles which are contained in the treaty of marriage between the moſt gracious Charles,

Charles, prince of Wales, and the moſt gracious lady Donna Maria, infanta of Spain. Likewiſe I ſwear, that I will neither commit to execution, or cauſe to be executed, either by myſelf or by any inferior officer ſerving under me, any law made againſt any Roman Catholic whatſoever, nor will execute any puniſhment inflicted by thoſe laws, but, in all things which belong to me, will faithfully obſerve his majeſty's word given in that behalf." Anno 1623.

When theſe returned to Spain, the prince of Wales engaged on the part of his father, that all the agreed-to particulars ſhould take place in three years, or ſooner if poſſible; that he would intercede that the ten years of the education under the infanta ſhould, according to the deſire of the pope, be prorogued to twelve. To this was added an obligation, that, as often as the infanta ſhould require, the prince would give ear to divines or others whom ſhe ſhould pleaſe to employ, in matter of the Roman Catholic religion; and for farther caution in point of the free exerciſe of the ſaid religion, the prince engaged, on the word of a king, that the things promiſed ſhould take effect, and be put in execution, as well in the kingdoms of Scotland and Ireland, as of England.

The belief of a powerful protection to the Catholics in England was at this time ſo well eſtabliſhed, that a titular biſhop of Calcedon came privately to London to exerciſe an epiſcopal juriſdiction over them. Bonfires and other public rejoicings were made on the ſucceſs of the treaty; the infanta was ſtiled princeſs of Wales; a chapel was building for her at St. James's; a fleet was prepared for her paſſage; and among the ſervile, the curious, and the ignorant, three numerous

Anno 1623. merous claſſes of men, which are the conſtant flatterers and followers of the humors of the times, her picture was every where to be ſeen. At this time ſeveral noblemen left England to pay their court at Madrid.

In the good humor into which the preſent ſituation of affairs had put James, the favorite was not forgotten: A patent for the title of duke was ſent to him by Cottington, that he might be upon a footing with the beſt grandee in Spain. But whilſt the ſelf-flattered monarch was enjoying in proſpect the accompliſhment of his deſires, new doubts aroſe in the council at Madrid. As much or more had been yielded to, it was ſaid, than could have been reaſonably expected; but, had the Britiſh King and his ſon power to effect what they had ſo readily granted? would it not be prudent to make this trial by delaying the ſolemnization of the nuptials till the full performance of the conceſſions? On the reſult of this debate the biſhop of Segovia frankly told Buckingham, "That the articles James had aſſented to, in favor of the Roman Catholics, amounted to a toleration; that he had heard ſomething of the eſtate of England, that the King could not grant a toleration without a rebellion, and he eaſily believed it, becauſe that the king of Spain was not able in his dominions to effect the like enterprize without incurring the like danger. He therefore concluded, that if the infanta was ſent into England before theſe alterations were eſtabliſhed, ſhe might be treated with a rebellion." Gondemar, who had given information to the Spaniſh council of the meaſure of influence James had in England, cloſed in with the biſhop of Segovia, and ſaid, "That he did not think it fitting to part with the infanta before

before the articles were perfectly put in execution." Anno 1623.

This new objection, when communicated to James, flung him into a fit of deſpair: His promiſes had been made in ſecret, and not to be performed but by degrees, and after the marriage, when the power of Spain was united to the power of the crown of England; he was now preſſed to expoſe them to the public, by an abrupt execution, whilſt the treaty was yet unconcluded, and, by ſuch a prelude, to fill the minds of his already-diſcontented ſubjects with dreadful apprehenſions of its iſſue.

To give Spain every poſſible ſatisfaction, a full declaration of his intentions was drawn up, and ſigned by ſecretary Conway, and ſeveral privy-counſellors. This confirmed the grant of all the articles, both public and private; and that it ſhould be lawful for the Spaniſh ambaſſadors to aſſign a diſcreet perſon to employ ſuch ſufficient lawyers as ſhould be thought fit to take care of the ſtrength, validity, and ſecurity of the ſaid grants; and that his majeſty's attorney ſhould have charge to receive and admit the ſaid lawyers to the ſight and judgment of the ſaid draughts, and, in any doubts, to give them ſatisfaction, or to uſe ſuch legal, neceſſary, and pertinent words and phraſes as he the attorney-general ſhould propound for the ſecurity of the Roman Catholics, and ſure making of the ſaid grants; and that his majeſty's will and pleaſure was, that a legal and authentical pardon ſhould be paſſed under the great-ſeal, wherein ſhould be freely pardoned all the penalties to which the Roman Catholics were liable for matters of conſcience, and in which they had been proceeded againſt, or might be; that a courſe ſhould be taken

Anno 1623. taken that the pardon ſhould not be coſtly; and that it ſhould be lawful to put as many as was poſſible in one pardon.

The Spaniſh ambaſſadors, not being ſatisfied with theſe aſſurances, the lord-keeper and other commiſſioners were directed to draw up a pardon of all offences paſt, with a diſpenſation for thoſe to come, to be granted to all Roman Catholics obnoxious to any laws againſt recuſants, and then to iſſue forth two general commands under the great-ſeal of England; the one to all judges and juſtices of the peace, and the other to all biſhops, chancellors, and commiſſaries, not to execute any ſtatute againſt them.

The pardon was paſſed full and ample; but Williams, the lord-keeper, repreſented ſo ſtrongly the danger of a general diſcontent and mutiny, ſhould it take place immediately, by the means of ſo peremptory a prohibition to the judges and biſhops, and the greater probability of ſucceſs were the King's favors enlarged by degrees, that the ambaſſadors at length conſented the matter ſhould reſt till the arrival of the infanta.

To all the important conceſſions which had been already made by the Engliſh monarch, this additional clauſe in the pope's diſpenſation was ſtill inſiſted on:

"That whereas there were certain articles conſented unto by the King of England in favor of the Roman Catholics in his dominions, a ſecurity ſhould be given for the performance of thoſe conceſſions." To this demand James anſwered, "That he could give no other ſecurity than his own and the prince's oaths, exemplified under the great-ſeal of England."

This

This was not ſatisfactory, and James ſuffered Anno 1623.
the mortification of being told, "That his own and the prince's oaths were not a ſufficient ſecurity unleſs ſome ſovereign Catholic prince would ſtand engaged for its performance. Affairs remaining thus embarraſſed, the king of Spain proffered to engage himſelf by oath for a performance of the articles, if, on a conſultation with his ghoſtly fathers, it was determined he might do it with a ſafe conſcience. A junto of divines was called to a formal conſideration; they at length concluded in the affirmative, and that in caſe the king of England ſhould fail to execute what was ſtipulated, the king of Spain was to vindicate his oath by the ſword. Thus did his Catholic majeſty obtain a kind of right to head a large party in England, which was to appeal to him for redreſs in all caſes of grievance.

The vaſt acquiſitions which had been lately made by the houſe of Auſtria, and the proſpect of its increaſe of power by a conjunction with Great Britain, raiſed apprehenſions in the court of France which occaſioned an entire alteration of their late meaſures. From proſecuting their Proteſtant ſubjects to the brink of deſtruction, they condeſcended to a re-union, on the terms of their poſſeſſing all the privileges in point of religion which they had before enjoyed. The ſtate of the malcontents in Germany was daily more hopeleſs. The reſtoration of the Palatinates had not been mentioned in the late tranſactions between James and the court of Spain.

In vain had he ſacrificed both reputation and intereſt to the chimerical project of a ſtrict union with the houſe of Auſtria; farther obſtacles ſtill retarded the accompliſhment of his wiſhes. At this

Anno 1623. this particular criſis, when the affair was apparently concluded to the ſatisfaction of all parties, the death of Gregory XV. afforded the Spaniards an excuſe for delaying the nuptials till the aſſent of cardinal Barberini, the new pope, had been obtained. The Spaniſh miniſtry pretended, that, as the diſpenſation ſtill lay in the nuncio's hands, and a contract had not been formed upon it, it was by the late pope's death ſuſpended, and a ratification from the new one was become neceſſary. This unſeaſonable objection undoubtedly proceeded from the zeal of the courts of Rome and Spain to complete the prince's converſion before he left Madrid.

The immediate act of the new pope was to begin a correſpondence with the king of England and his ſon: He informs the latter, that the firſt letters which he received after he was preferred to the throne of the apoſtles, were thoſe ſent out of Spain from him the prince to Gregory XV. his predeceſſor, of famous memory: "We lifted up our hands to Heaven, continues he, and gave thanks to the Father of mercies, when, in the very entry of our reign, a Britiſh prince began to perform this kind of obeiſance to the pope of Rome."

Charles's patience was at length exhauſted by the vexatious delays which had ſucceſſively ariſen between him and the poſſeſſion of his miſtreſs. The Spaniards in effect had, by an over-niceneſs and too fine-drawn a policy, rather ſtarved than cheriſhed his paſſion; inſtead of having indulged him with thoſe tender interviews and little favors which ſwell the expectations, raiſe the deſires, and increaſe the paſſion of the ſanguine lover, he had been treated with a reſerve which aroſe to an affected indifference; entertaining his miſtreſs

miſtreſs had been no otherwiſe allowed than in the moſt formal manner, before a circle of ceremonious ſpectators. Thus reſtrained, his paſſion had been vented in diſtant glances, which met with a return ſo cold that it damped the hopes of a mutal inclination. Anno 1623.

His long ſtay at Madrid had produced occaſions which gave riſe to a reciprocal diſguſt between Buckingham and the Spaniſh miniſtry: That decent formal people regarded with averſion the manners of the favorite—a mixture of Gallic licentiouſneſs and Britiſh roughneſs. The diſtaſteful familiarity which ſubſiſted between him and his maſter gave great offence to the high notions which that nation entertained of royalty, and was as incongruous to the equally-exalted pretenſions of James and his ſon, as to the romantic conceits of the Spaniards. A contemptible buffoonry was not the moſt material offence in Buckingham's carriage; his behavior was laſcivious, and his whole conduct compounded of oppoſitions to Spaniſh gravity and Spaniſh delicacy.

From theſe cauſes had ariſen a reciprocal animoſity between the parties, that produced at ſeveral times high and warm altercations. Olivares, in a junto of miniſters, had reproached Buckingham with having flattered them with hopes, that the prince would renounce the Proteſtant faith; Buckingham told him he lied; the indignant Spaniard reſented the affront with ſpirit, and gave the favorite to underſtand, that it was the importance of the treaty in agitation which prevented him from inſiſting on the proper ſatisfaction for ſo groſs an injury. Theſe and other ſubjects of diſguſt alienated Buckingham's affections from the Spaniſh match. The

Anno 1623. miniſter Briſtol, whoſe conduct had been, for the whole ſeries of his negotiation, ſubſervient to the view of completing this alliance, was as much approved by the court of Spain as Buckingham's was diſliked. They ſhewed ſo ſtrong a diſapprobation of the treaty's having been taken out of the hands of the former, and tranſferred to the latter, that they teſtified a doubt of the ſufficiency of his power, as it had not been confirmed by the council of England. The high ſpirit of the favorite, who, from the commencement of James's abſurd affection to him, had never met with the like oppoſition, was enraged to a degree of reſentment which would alone have inſtigated him to break off the impending treaty. His political reaſons were not immaterial ones: There was at this time a large party in the court of England, who, from motives of jealouſy, in oppoſition to his influence ſupported Briſtol; he was ſo obnoxious to the whole court of Spain, that they declared they would rather bury the infanta than truſt her in his hands; his patron James had been rather diſobliged by his inſolent carriage on the debate of the prince's journey to Madrid. The ſureſt object he had to depend on was his preſent intereſt with Charles, and that might be rendered very precarious by the union between him and the infanta, who, it was to be ſuppoſed, would have a powerful influence over his young and amorous mind.

This being the preſent ſituation of affairs, the cataſtrophe that immediately follows is not a very ſurprizing one. Buckingham employed his whole powers to inſtil into the prince an averſion for what had till now been the object of his paſſionate deſire. The preſent obſtinacy of the Spaniſh miniſtry, who not only refuſed to accompliſh

compliſh the marriage till the ratification of the diſpenſation, but alſo to deliver up the infanta till the ſpring, concurred ſo efficaciouſly with Buckingham's endeavors, that Charles was perſuaded to think the Spaniards had no ſincere inclination to an union with the crown of England; and that himſelf and his father had been the dupes to a treaty, the completion of which would involve them in inextricable difficulties. Theſe, and other the like inſinuations, worked him up to ſuch a height of reſentment, that he liſtened with eagerneſs to the project of an abrupt departure, and began to entertain doubts of not being able to effect it. In this deſpondency he wrote word to his father, "That he muſt now look upon his ſiſter and her children, never thinking more of him, and forgetting that he had ſuch a ſon." Buckingham plied him with letters at the ſame time, to this effect: "That he had at length diſcovered the king of Spain's inſincerity; that not only he had no inclination to cauſe the Palatinate to be reſtored, but alſo was far from having the leaſt thought of accompliſhing the marriage; and that the prince was in danger of being retained in Spain all his life." Theſe and other advices of the ſame ſort put the poor old King into ſuch a fright, that he wrote poſitive orders to Buckingham to bring away the prince if poſſible; at the ſame time he ſent a fleet of ſhips to St. Andero in Biſcay to eſcort them home *. This Anno 1623.

* One of James's letters on the occaſion of theſe deſponding meſſages:

"My ſweet boys,

"Your letter by Cottington hath ſtruck me dead; I fear it ſhall much ſhorten my days. Alas! I now repent me ſore that ever I ſuffered you to go away; I care for match

Anno 1623. order was obeyed with alacrity: On pretence of preparing the Engliſh navy for the prince's reception, Buckingham departed haſtily. He took no ceremonious farewel of the court; but told Olivares bluntly, "That he was obliged to the king, queen, and infanta, in an eternal tie of gratitude; that he would be an everlaſting ſervant to them, and endeavor to do the beſt offices for concluding the match, and ſtrengthening the amity between the two crowns; but as for himſelf, he had ſo far diſobliged him, that he could not, without flattery, make the leaſt profeſſion of friendſhip to him." The departure of the prince was extremely ſolemn, and the parade of his farewel equal to that which had attended his reception. Exalted were the reciprocal compliments: Philip declared, "That the prince had laid him under an everlaſting obligation, by placing ſo high a degree of confidence in him as to truſt his perſon in his hands, a thing unuſual with princes. Charles magnified the favors he had received; and added, "That he could not ſufficiently expreſs the high degree of eſtimation they had begot for the worth of the giver."

Cabala.

The prince leaves Madrid.

Very different from theſe proteſtations were the impreſſions which Buckingham had lately

nor nothing, ſo I may once have you in my arms again! God grant it! God grant it! God grant it! amen, amen, amen. I proteſt ye ſhall be as heartily welcome as if ye had done all things ye went for, ſo that I may once have you in my arms again. And ſo God bleſs you both, my only ſweet ſon, only beſt ſweet ſervant, and let me hear from you quickly, with all ſpeed, as you love my life. And ſo God ſend you a happy joyful meeting in the arms of

Your dear dad.

"From Greenwich, June 14, 1623."

MSS. in Brit. Muſeum, n. 6987, fol. 52.

made

made on his eaſy ductile mind. It was obſerved that the firſt words which he ſpoke after he was embarked were, "That it was a great weakneſs and folly in the Spaniards, after they had uſed him ſo ill, to grant him a free departure." Before he left the court of Madrid, a procuration to the king of Spain and Don Carlos his brother, to make the eſpouſal in his name, was left in the hands of Briſtol; it had in it a general clauſe inſerted, that it ſhould not be revoked. This proxy, by the particular direction of the prince, was to expire at Chriſtmas, and was not to be delivered into the king of Spain's hands till ten days after the arrival of the diſpenſation. Immediately on the prince's joining Buckingham, a poſitive order was ſent to Briſtol not to deliver it till ſecurity was given him that the infanta, after the eſpouſal, ſhould not betake herſelf to a monaſtery, and to inform the prince what ſecurity was offered, that he might himſelf be judge whether it was proper to accept it. At the ſame time a defeazance of the proxy, in caſe the diſpenſation came clogged with any new demands, was ſent privately to one Clark, to be produced on a critical occaſion; ſo fearful was this once-ardent lover leſt the marriage ſhould be ſolemnized before he could gain time to perſuade his father to reject it. Anno 1623.

His return to England

Charles and his preſent favorite were no ſooner arrived in England, than they fully demonſtrated to James their preſent diſtaſte and averſion to an union with Spain; and this unfortunate monarch was a ſecond time obliged to yield to the obſtinacy of his ſon and the intemperate purſuits of his domineering ſervant. An expreſs was ſent to Briſtol, to inform him, that a clear reſtitution of the Palatinate was expected with the ſolemni-

Anno 1623. zation of the nuptials, and a command that he ſhould procure from the king of Spain a punctual anſwer what courſe he would take for the reſtitution of the Palatinate and Electorate; and in caſe the emperor or duke of Bavaria ſhould oppoſe any part of the reſtitution, what aſſurances of content he would give in that point; to this a direction was added, that the betrothing of the infanta ſhould be on one of the days in Chriſtmas.

This expreſs threw Briſtol into the utmoſt perplexity: The rubs which the prince had thrown in his way were in a manner got over; he had attained a full ſecurity for the infanta's not taking the veil, and intended, by the ſupport of his public warrant under the great ſeal of England, to wave the private order, and deliver the proxy on the arrival of the diſpenſation. James's command could not be ſo well parried, and the miniſter's preſent proſpects began to wear a cloudy aſpect: He and Buckingham had been at open variance during their mutual abode at Madrid, and the prince was infinitely diſobliged by a management which altogether oppoſed his preſent inclinations. The riſe of fortune he now poſſeſſed, had been totally owing to the having conducted the treaty to a concluſive period. His intereſt with James, ſolely founded on the merit of his negotiation, increaſed in proportion to its fancied ſucceſs: From this circumſtance, during its proceſs, he had been created baron Digby, then earl of Briſtol. The increaſing good will of his maſter, and the advantage he had promiſed himſelf from the favor of the Catholic king and his miniſtry, obtained from an obſequious adherence to the manners and intereſts of the court of Spain, were now loſt by this ſucceſsful

ful counter-act of his antagoniſt Buckingham, whom he had entertained hopes of over-topping by means of the infanta's power in the court of England. Deſperate as were the preſent circumſtances, he did not entirely abandon the hopes of concluding the marriage. Having obtained from Philip a written promiſe that the Palatinate ſhould be reſtored, he wrote an anſwer to James, in which he informed him, "That the diſpenſation was hourly expected at the court of Madrid, and that letters from the duke of Paſtrava certified that the pope had clearly paſſed it." He then expoſtulated with him on the direction of having the marriage ſolemnized on one of the Chriſtmas holidays; aſſures himſelf that it was given on want of due information that the powers would be then expired; and adds, that, with the concurrence of Sir Walter Aſton, he ſhould deliver the ſaid powers when demanded, and paſs on to the nominating a prefixed day for the *depoſſorio's*, if he received no orders to the contrary. "I have of purpoſe, continues he, diſpatched the poſt with this letter, to the end I may receive your majeſty's directions in this particular with all poſſible ſpeed; which I hope ſhall be to proceed directly to the marriage, according to the capitulations, and ſo to order all things for the princeſs's journey in the ſpring. And for the Palatinate, your majeſty may be confident there ſhall be diligence uſed in procuring a good and ſpeedy reſolution." Anno 1623.

Theſe were not the only endeavors practiſed by Briſtol to reſtore this buſineſs. Letters had been ſent to the prince of Wales, ſhewing, that though the point of portion was a material one, yet, when the Spaniſh junto found it, by the papers of the late king, to be no leſs than two millions, Cabala.

Anno 1623. they reſolved to make it good, notwithſtanding they alledged that this ſum was four times as much as ever was given in money with any daughter of Spain. To theſe were added arguments from the infanta's rank and perſonal merits. Moreover, Sir Walter Aſton, a miniſter who had been joined by the prince in commiſſion with Briſtol for a check upon his forwardneſs, labored to reconcile Buckingham to the match, by inſinuating, that if it proceeded, he (Buckingham) would have the honor of it; and the infanta being duly informed, muſt acknowledge him to be the perſon to whom ſhe was obliged *. Theſe attempts were all unſucceſsful; the prince and Buckingham were determined againſt the match, and Briſtol was commanded to follow the new inſtructions; namely, not to deliver the powers till he obtained from the king of Spain a direct engagement for the reſtitution of the Palatinate and the electoral dignity.

Notwithſtanding theſe proceedings, James had not as yet been prevailed on to diſclaim entirely the match, and ſtill flattered himſelf that he could accommodate the preſent difference by treaties. With this view he ſent a renewal of the powers for a larger time, and tendered theſe following propoſitions to his ſon-in-law, the titular king of Bohemia: To accommodate his broken fortunes by a full ſubmiſſion to the emperor, and an acceptation of the return of the Palatinate to his ſon, and the adminiſtration to himſelf, with

* Buckingham ſent a threatening letter to Aſton for theſe offices: He tells him, "That the King had been adviſed to revoke his commiſſion; that his diſgrace will immediately happen, if he does not remove diſpleaſure, by a conduct entirely conformable to the ſenſe of the inſtructions he received from the prince." *Cabala*, fol. ed. 1673, p. 127, *& ſeq.*

the

the electoral dignity, after the death of the duke of Bavaria, on the conditions of an union between that ſon and a daughter of the emperor: The Palſgrave not to have the tuition of his ſaid ſon, but to give up that charge to the infanta, when ſhe ſhould be princeſs of Wales. To this diſgraceful propoſal Frederic returned a very ſpirited anſwer: He rejects the humiliating terms adviſed him by James; ſhews that they were only offered by his enemies, with a deſign to render his cauſe more deſperate, by making him abject in the eyes of the Proteſtant princes who were at this time diſpoſed to ſuccor him; he then ſet forth the fraudulent conduct of the emperor and his allies, with the many groſs impoſitions he had been already obliged to ſubmit to. In deſcribing the preſent political ſtate of Germany and Great Britain, he ſhews, though in modeſt terms, that if ſpirited meaſures had been purſued by the court of England, James had been in a ſituation of giving law to the houſe of Auſtria, inſtead of receiving it in ſo diſgraceful a manner; he inſiſts that Germany would again exert itſelf, if encouraged by a warlike motion from the King of England. Anno 1623.

The enterprizes recommended to James in this anſwer were ſtrongly ſeconded by the adverſaries of the Spaniſh match, at this time headed by the prince and Buckingham. This latter had an offer of an union between his ſon and a daughter of the Palſgrave, on condition of his obtaining a vigorous aſſiſtance from England towards the recovery of the Palatinate.

When the ratification of the diſpenſation arrived at Madrid *, bonfires were made through- Preparations in Spain for celebrating the nuptials.

* The ambaſſador who waited on Charles with congratulatory compliments from the king of Spain, on his ſafe return

Anno 1623. out all Spain; guns were fired, and other demonſtrations of public rejoicings exhibited; the infanta took upon her the title of princeſs of England; her family was ſettled; and the beginning of March appointed for her journey; the behaviour of the Engliſh ambaſſadors to her was the ſame as uſed by courtiers to their ſovereign; from the prince's departure ſhe had applied herſelf to learning the Engliſh language, and had began the letters of compliment which were to be ſent to her huſband and father-in-law on the day of her eſpouſal; preſents were prepared for their acceptance; the ninth of December was appointed for the marriage-day; all the grandees were invited to the wedding; a gallery leading from the court to the church was erected a quarter of a mile in length, covered with tapeſtry, to conduct the bride elect, in open view, and with moſt magnificent ſolemnity to the ceremony; Briſtol had provided coſtly equipages; when the whole buſineſs was inſtantly defeated on the opening his farther inſtructions from England, which were, To procure an entire ſurrender of the Palatinate and Electorate, before he advanced towards finiſhing the contract *. To this oddly-timed demand the king of Spain gave anſwer, "That neither the Palatinates nor Electorate were in his power to diſpoſe of; but if a treaty was ſet on

turn to England, had been ordered to make known to the princes of Flanders, Germany, and Italy, how near the marriage was to a concluſion. The Poliſh ambaſſador at Madrid, whoſe errand was to ſolicit a match between the infanta and his maſter, returned home on the arrival of the diſpenſation.

* This command was confirmed by the diſpatches of four ſeveral meſſengers, who arrived at Madrid cloſe at each other's heels.

foot,

foot, and the emperor and the duke of Bavaria would not come to terms of conformity, he would join arms with England to recover them, and was willing to give any ſecurity for a due performance." Anno 1623.

Theſe anſwers not ſatisfying, Briſtol was recalled, and the infanta laid down the title of princeſs of England. Thus ended a treaty in which had been expended in embaſſies, in the prince's journey, and in preſents given at the court of Madrid, as much money as was the deſtined portion of the infanta, which being in pieces of eight, amounted to the ſum of ſix hundred thouſand pounds.

On Briſtol's announcing his orders of revocation, he received from Olivares, in the name of Philip, large proffers of mediation in the court of England; and that his majeſty, for the example of his own ſubjects, and for encouragement to all ſuch as ſhould ſerve their princes with the like loyalty, had ſent him a blank, on which he might ſet down his own conditions in point of title or fortune. Briſtol, not thinking it proper to accept theſe offers, illuſtrated his refuſal with an anſwer, in which he magnified his own diſintereſtedneſs, his fidelity to his maſter, and his entire confidence in his juſtice.

CHAP.

CHAP. VIII.

Influence of Buckingham.——Parliament.——Treaties with Spain laid before the houſe.——Rupture with Spain.——Parliament prorogued.——Marriage-treaty with France.——Mansfeild's expedition.——Maſſacre at Amboyna.——Death of King James.——His character.

Anno 1623. Influence of Buckingham.

TO the influence which Buckingham maintained over the weak mind of his prince, have moſt authors attributed the abrupt diſſolution of the Spaniſh treaty. But to the power, not the perſuaſion, of the favorite, may be more juſtly aſcribed this whimſical and unexpected event. It was neither inclination nor conviction which prevailed on James to diſclaim the offered concluſion of that which had been the object of his earneſt purſuit for a ſeries of fifteen years: His affections were over-ruled by the impetuous oppoſition of Buckingham, whoſe preſent intereſt with the prince, and the concurrence of the majority of the nation, detached from him every other ſupport than a precarious aſſiſtance from Spain. In this diſpoſition of affairs, the timid monarch, with a painful compliance, ſubmitted to meaſures which overthrew his hopes in the very criſis of their accompliſhment. Nor did the wanton inſolence of his pampered ſervant ſtop at this point: His private piques muſt be revenged on Spain, and his pacific maſter enter as a party in his quarrel; he who, through the courſe of a long reign, had with a fearful anxiety maintained an uninterrupted peace, muſt ſound to arms, and declare war with a family to whoſe courted

friendſhip

friendſhip he had before ſacrificed every conſideration. Anno 1623.

As not only the entire rupture of the treaty, but a war with Spain had been agreed on between Charles and Buckingham, Briſtol had been recalled, and Henry Rich, earl of Holland, ſent into France with propoſals of marriage between the prince of Wales, and the princeſs Henrietta, third daughter to Henry IV. James, on the occaſion of the deſtined war, was obliged to have recourſe to the demand of a benevolence from the ſubject: The meaſures whereby it was extorted were moſt injurious. On the refuſal of Barnes, a citizen of London, orders were ſent from the treaſurer, that he muſt immediately prepare to carry by the poſt a diſpatch into Ireland. The citizen was obliged to compound the matter; and this example deterred every one afterwards from refuſing the ſum required *. Hume.

Buckingham's impetuoſity roſe to ſuch a height, as, firſt, to propoſe the ſelling the crown-lands for the expence of the war; and then to conſult with Dr. John Preſton, head of the Puritan party, on ſeizing the dean and chapter lands for the uſe of the crown. He was diſſuaded from theſe undertakings by Williams †, nor

* This is a glaring inſtance of that groſs and pernicious abuſe, to which every degree of confidence in government is liable.

† The manner in which Buckingham was put off from this attempt is as follows: He acknowledged, in a converſation with Williams, that for the ſucceſs of his plan he depended on the diſpoſition of the popular leaders of the houſe of Commons, and particularly on Sir Edward Coke. Williams managed the conteſt in ſuch a manner, that Buckingham owned he had been entirely miſtaken in the opinion he had formed of the principles of the leading commoners, and deſiſted from his project. Hacket, who tells us this ſtory, adds that Williams,

Anno 1623. could he get James to countenance them. A ſelect council was appointed to examine into the preſent ſituation of affairs with Spain, and into the conduct of that court. This council was very refractory to the impetuous inclinations of Buckingham, who, depending on his preſent popularity, and the fervor of the people towards a war with the houſe of Auſtria, forced the King into the calling a parliament, that he might appeal from his oppoſers to that powerful court.

Hacket's Life of Williams.

Rapin.

The ſituation of James at this time was pitiable: Since the return of the prince and the duke he not only ceaſed to rule, but was obliged to concur in meaſures which he deteſted: He was ſurrounded with people in whom he could put no confidence; his domeſtics were all of them, either through intereſt or fear, the creatures of Buckingham; moſt of them owed their places to this favorite, and the preſent union which ſubſiſted between him and the prince, ſtrengthened the reſentment of former obligations with the hopes of new ones. James's diſtreſs was heightened by a paper privately conveyed to him from the marquis Inniosa, the Spaniſh ambaſſador, ſpecifying, "That a conſpiracy had been formed by the prince and duke to confine him (the King) to one of his country-houſes, and uſurp themſelves the government." The duke's

liams, the day preceding this conference, had waited two hours in the duke's anti-chamber, whilſt he was ſhut up with Preſton, without having gained admittance.

This uſage of Williams ſhews, that it was no uncommon behavior in Buckingham to ſubject the lord-keeper, with the great ſeal of England, to the mortification of a ſervile attendance, and gives ſome authority to Weldon's account of the treatment Bacon met with from the ſame quarter. *Biſhop Hacket's Life of Williams*, oct. ed. 1715, p. 79. *& ſeq.*

late

conduct was alledged as a leading circumſtance to the treachery: According to an intimation in the letter, the ambaſſador's ſecretary was admitted to a private diſcourſe. Neither did the written or verbal intelligence occaſion the deſired alteration in James's conduct: He was obſerved to grow melancholy, and affected for ſome time to ſpeak to his ſon and favorite in a myſterious broken language. At length, on a party with the prince to Windſor, he ordered Buckingham, on a trivial pretence, to remain behind. Buckingham, who looked upon this as a token of uncommon diſpleaſure, beſought the King to acquaint him with the cauſe of this diſgrace. The King, with tears in his eyes, returned anſwer, "That himſelf was the unhappieſt man alive, to be forſaken of thoſe who were moſt dear to him." By the advice of Williams, Buckingham followed to Windſor, in which place he found means to work ſo efficaciouſly on his maſter's weakneſſes, as to effect a ſeeming, if not a real reconciliation *. Anno 1623.

There had ſubſiſted, ſome time before this, a great coolneſs between Williams and Buckingham: The former had conceived hopes of ſup-

* A letter which bears date after the period of this quarrel, either ſhews that the reconciliation was real, or that James was a conſummate maſter in the low art of diſſembling.

In this letter James, after having given Buckingham directions concerning his wife, in expreſſions fulſomely groſs and familiar, adds, "If thou be with me by four in the afternoon, it will be good time; and prepare thee to be a guard to me from keeping my heart unbroken with buſineſs, before my going to the progreſs. And thus God ſend me a happy and a joyful meeting with my ſweet Stenny this evening. Sweet-heart, when thou riſeſt keep thee from importunities of people who trouble thy mind, that at meeting I may ſee thy white teeth ſhine upon me." *MSS. in the Brit. Muſeum*, n. 6987.

planting

Anno 1623. planting his patron, and with this view had united himſelf to the Spaniſh faction; but finding, from the timidity and weakneſs of James's conduct, that the favorite would in the end be victorious, he heartily chimed in with his meaſures, and not only informed him of every particular circumſtance in the late combination carried on by the Spaniſh ambaſſador, but drew up a refutation of the whole charge alledged by that miniſter againſt him.

Parliament. The parliament met on the twelfth of February, 1623. The King's ſpeech to this aſſembly was an echo of the new-adopted ſentiments of the favorite, and its contents a direct contradiction to his former doctrines on the like and every other occaſion. "The properties and cauſes of calling a parliament, ſays he, are to confer with the King, and give him advice in matters of the greateſt weight and importance." He then tells them, "That the preſent purport of their meeting is to give him their counſel in the moſt intereſting matter which ever could concern a king; that though he had been upon a treaty with Spain for many years, the ſituation of his affairs continued doubtful till he ſent the prince to Madrid, with the man he moſt truſted—Buckingham; that on their return he found himſelf as far diſappointed of his end, as if he had been waked out of a dream." He is content that his ſecretaries, on the information of his ſon and Buckingham, ſhall relate unto them all the circumſtances of the Spaniſh management, and what he is likely to obtain; and that when they have heard all, *ſuper totam materiam*, he ſhall entreat their good and ſound advice. "One particular, ſays he, I muſt remember you of, becauſe it hath been much talked of in the country,

King's ſpeech.

Parl. Hiſt. vol. VI. p. 4. & ſeq.

try, that I ſhould be ſlack in my care of religion. My lords and gentlemen all, I pray you judge me charitably, as you would be judged; for I never made public or private treaty, but I always had a direct reſervation for the public weal and the cauſe of religion, for the glory of God and the good of my ſubjects; I only thought good ſometimes to wink and connive at the execution of ſome penal laws, and not to go on ſo rigorouſly as at other times, but not to diſpenſe with any or to forbid or alter any which concern religion, I never promiſed or yielded; I never did think it with my heart, nor ſpoke it with my mouth.—My lords and gentlemen, adds he, it is not enough, although you are never ſo willing to give me your advice: for to plant will not ſerve the turn, if I, like a good gardiner, as well as plant do not weed away from the roots, and remove the obſtacles which hinder your ſo-good advice, of which the whole weed and manifeſt hindrance which can be is your jealouſy of me; free me from that, and for my actions I dare avow them before God and his angels; but jealouſy hath a deep ſting; take away that, and nothing can do me harm: You are my wife, and jealouſy is ſubject to a wife, therefore remove it, and be not jealous of me. For matters of privilege, liberties, and cuſtoms, be not over curious; I am your own kindly king, ye never ſhall find me curious in theſe things: Therefore do what you ought, and no more than your lawful liberties and privileges will permit, and you ſhall never ſee me curious to the contrary; I had rather maintain your liberties than alter them in any thing; ſhew a truſt in me, and go on honeſtly as ye ought to do, like good and faithful ſubjects; and what you have warrant for go on Anno 1623.

Anno 1623. with, and I will not be curious, unleſs you give me too much cauſe. The next thing is, to beware that you take not in hand the maintaining of idle queſtions among you, which ſpoils good buſineſs: Remember, beware of genealogies and curious queſtions, as St. Paul ſpeaks; and do you keep to the ground and gravity of the great buſineſs for which I called you; and next, for all other things which are for the great and good governing of this kingdom. Let not any ſtir you up to law-queſtions, debates, quirks, tricks, and jerks, but continue yourſelves in that honeſt modeſty whereby you may have my prayers to God for you, and procure the love of me, and a happy end to this parliament. God judge me, I ſpeak as a Chriſtian prince; never man in a dry and ſandy deſart, where no water is, did thirſt more in hot weather for drink, than I do now for a happy concluſion of this parliament. I now hope, after the miſcarriage of the laſt, that this may prove happy; I am neither curious nor captious enough to prevent it. Eſchew all occaſions of curious queſtions, which may hinder you in this great cauſe for which I have called you, and remember that ſpending of time is ſpoiling of buſineſs. And I hope in God, and that by a faith in God, that by your actions this parliament I ſhall clearly ſee your hearts, and that you are the true repreſentative body of my ſubjects; for you know in your conſcience, that of all the kings which ever were, I dare ſay, never was king better beloved by his ſubjects than I am: Therefore, be you true glaſſes and mirrors of their faces; and be ſure you yield the true reflections and repreſentations as you ought to do. And this doing, I hope you ſhall not only find the bleſſing of God, but alſo by theſe

actions

actions procure the thanks and love of the whole people, for being ſuch true and faithful glaſſes. Laſtly, you ſhall never find me deſire any thing of you but what ſhall tend to the common good and weal of the kingdom." Anno 1623.

Sir Thomas Crew was choſen ſpeaker to this parliament: He was one of the members who diſtinguiſhed themſelves in the laſt, and one of thoſe, who, on its diſſolution, was ſent over on a frivolous errand to Ireland. His ſpeech to the throne was decent and popular; he teſtified a deſire that all the good bills brought in laſt parliament againſt monopolies, informers, and concealers, might paſs in this; that the good laws for religion might be confirmed; and that the Jeſuits and ſeminary prieſts, by the execution of thoſe good laws, might, like a generation of locuſts, with an Eaſt wind, be blown over the ſea. He expatiated on the excellency of the common law of England; on the advantages of the King's wants being ſupplied in a legal manner by parliament, rather than by other courſes; on the good effects of concord; and called the tranſactions of the laſt aſſembly parliament-nullities. The lord-keeper Williams anſwered this ſpeech in a manner which ſhewed it had been little reliſhed by the King and miniſtry: He vindicated the management uſed to the Roman Catholics, and the late demanded benevolence; took occaſion to extol Buckingham on the ſubject of the navy, but reprimanded the ſpeaker "for calling to remembrance the abortives of the late parliament." Speaker choſen.

The ſubject on which the King had demanded parliamentary advice was entered upon with great eagerneſs by both houſes, and Buckingham was immediately called upon to lay before them the Spaniſh treaty laid before the houſe.

Anno 1623. whole of his negotiation in Spain: This he did in a very artful manner. The generalities of his account were pretty much the ſame as have been given before in this Hiſtory. To theſe were added many circumſtances favorable to his own conduct, and blackening to that of Briſtol; others were exaggerated; others ſoftened, as they tended to theſe purpoſes. Though theſe circumſtances were afterwards ſtrongly refuted by the accuſed miniſter, they were at this time affirmed by the prince, who was called upon by Buckingham to vouch for their truth.

The Spaniſh ambaſſadors were ſo fired at the reproaches thrown upon his Catholic majeſty in the courſe of the narration, that they publicly complained of the affront; with an aſſertion, that if a ſubject of their maſter had ſpoken in the like diſreſpectful terms of the King of England, he would not have eſcaped with impunity. This appeal was looked upon by both houſes as an inſolent attack on their privileges, and an addreſs was immediately ſent up to the King, declaring the duke free from the aſperſions thrown upon him by the ambaſſadors; that he had delivered nothing in his narration but what he was led unto by the matter itſelf, wherein he was ſo far from tranſgreſſing, that he deſerved thanks and honor.

The preſent popular conduct of the favorite, and the colorings he had thrown upon his negotiations at the court of Madrid, gained him ſo much real or ſeeming good will of the patriot members, that he was ſtyled in the houſe of Commons the Savior of the nation. An addreſs was ſent up to the throne from both houſes, ſignifying, "That the treaties could not be longer continued, either with the honor of his majeſty, the

the ſafety of his people, the welfare of his children, Anno 1623.
or the ſecurity of his antient allies and confederates." James gave the parliament to underſtand, "That if they obliged him to enter into a war, the whole burthen of it muſt fall upon the people, his own eſtate being not ſufficient to defray the ordinary expences of government." This repreſentation was anſwered by a declaration of the Lords and Commons, in which the King was aſſured, "That on the diſſolution of the treaties they would be ready to aſſiſt him in a parliamentary manner, both with their perſons and abilities." James now thought of making his advantage of the preſent cordiality which ſubſiſted between him and his ſubjects, and at once demanded the enormous ſum of five ſubſidies and ten fifteenths for the war, and one ſubſidy and two fifteenths yearly till he had cleared himſelf of his debts; or if they would make it ſix ſubſidies and twelve fifteenths for the war, he would drop the laſt demand. To this was affixed a condition, that the money granted for the war ſhould be put into the hands of commiſſioners appointed by parliament *.

* The inſincerity of the King's intention towards the parliament in this buſineſs, in which he promiſed to be guided wholly by their advice, may be ſeen in a letter Buckingham wrote to him on the occaſion of his fluctuating conduct.

"Dear dad and goſſip,

"Having more buſineſs than it was fit to ſpeak to you within a letter, I was once reſolved to have waited on you myſelf; but preſently came to me the news of the Spaniſh ambaſſador's going to you, which hath diverted my reſolution at this time; becauſe I will not encreaſe that in you which I have always found too much, and that I will not let the ambaſſadors think you are diſtruſted, though this gives enough and too much to your people. I have, to eaſe your labor, writ ſome things to Aran, by whom I likewiſe expect

Anno 1623. The Commons were not ſo intoxicated with their zeal for a rupture with Spain, or ſo taken with the plauſible terms of the ſupply, as to abate of their carefulneſs in parting with the money of the ſubject. They entered into a long debate on the demand: Sir Edward Coke, in a ſpeech upon the occaſion, produced a calculation of the whole which ſuch a grant would amount to; he eſtimated it at nine hundred thouſand pounds, a larger ſum, he ſaid, than all

an anſwer; only I will trouble yourſelf with this, that I beſeech you to ſend me your plain and reſolute anſwer, whether if your people reſolve to give you a royal aſſiſtance, to the ſum of ſix ſubſidies and **** fifteenths, with a promiſe in caſe of neceſſity to aſſiſt you afterwards with their lives and fortunes, whether then you will not accept it, and their counſel to break the match, with the other treaties; and whether or no, to bring them to this, I may not aſſure ſome of them underhand (becauſe it is feared when your turns are ſerved you will not call them together again, to reform abuſes and grievances, and the making of laws for the good government of the country) that you will be ſo far from that, that you will rather win them, deſiring nothing more than their love and happineſs, wherein your own is included. Sir, I beſeech you think ſeriouſly of this, and reſolve once conſtantly to run one way; for as long as you waver between the Spaniard and your own ſubjects, to make your advantages of both, you are ſure to do it with neither. I ſhould for my own contentment, though I am ſure I do you ſome ſervice here, and would be able, if you would do openly and heartily with me, do you more, and wait on you oftener; but that you go in two ways, and myſelf in one, it occaſions ſo many diſputes, that till you be once reſolved, I think it of more comfort and eaſe to you, and ſafer for me, that I bide away; for to be of your opinion would be flattery, and not to ſpeak humbly my own would be treachery; Therefore I will at this time, with all the induſtry of my mind, ſerve you here, and pray for the good ſucceſs of that, and the lengthening your days, with all the affections of his ſoul, who will live and die in love with you,

Your majeſty's moſt humble ſlave and dog,

Guthrie, p. 804. Stenny.'

England

England could raiſe with any conveniency. The reſolution of the debate was an offer of three ſubſidies and three fifteenths, as the firſt fruits of their good will *, with a promiſe of a farther aſſiſtance, if, in the courſe of the war, it ſhould become neceſſary. James's affairs were at preſent too much embarraſſed to make a retreat. He accepted of the three ſubſidies and the three fifteenths, on the ſame terms he had offered for ſix; and a meſſenger was diſpatched to Madrid with his reſolution to break off farther correſpondence with that court †. Anno 1623. Rupture with Spain.

The Commons, who had by this time intimations of the new treaty of marriage which was carrying on at Paris, drew up a ſevere petition againſt the Papiſts, and voted that a return ſhould be made to their houſe of all the names of Popiſh recuſants throughout England, who were in offices of profit, truſt, or power ‡. Buckingham, who feared that if James was made Anno 1624. Petition againſt Popiſh recuſants.

* Four entire ſubſidies were granted by the clergy.

† When this was publicly known, the city of London teſtified their approbation by bonfires, ringing of bells, and other demonſtrations of joy. *Ruſhworth.*

‡ On the report of this petition, James diſpatched the following letter to ſecretary Conway;

"I doubt not but you have heard what a ſtinging petition againſt the Papiſts the lower houſe have ſent to the higher houſe this day, that they may jointly preſent it to me. You know my firm reſolution not to make this a war of religion; and ſeeing I would be loth to be coney-catched by my people, I pray you ſtay the poſt which is going into Spain, till I meet with my ſon, who will be here tomorrow-morning. Do it upon pretext of ſome more letters you are to ſend by him. And if he ſhould be gone, haſten after him to ſtay him, upon ſome ſuch pretext; and let none living know of this as ye love me; and before two in the afternoon tomorrow you ſhall, without fail, hear from me. Farewell. "April 3, 1624." *Ruſhworth*, vol. I. p. 140, *& ſeq.*

Anno 1624. deſperate he might break through his trammels and diſſolve the parliament, prevailed on the popular leaders in both houſes to moderate it before it was ſent up to the throne *.

* To bring the Commons to this moderation, the prince affected an entire ſimilarity of ſentiment; and profeſſed, under the bond of an oath, "That whenſoever it ſhould pleaſe God to beſtow upon him any lady who was Popiſh, ſhe ſhould have no farther liberty but for her own family, and no advantage to the recuſants at home." The following is the petition which was preſented to the King;

"May it pleaſe your moſt excellent majeſty;

"It having pleaſed your majeſty, upon our humble ſuit and advice, to diſſolve both the treaties, to our great joy and comfort, we, your majeſty's moſt faithful and loyal ſubjects, the Lords and Commons aſſembled in parliament, do in all humbleneſs offer to your ſacred majeſty theſe two petitions following.

"Firſt, that, for the more ſafety of your realms, and better keeping of your ſubjects in their due obedience, and other important reaſons of ſtate, your majeſty will be pleaſed, by ſome ſuch courſe as your majeſty ſhall think fit, to give preſent order, that all the laws be put in due execution which have been made and do ſtand in force againſt Jeſuits and ſeminary prieſts, and all others who have taken orders by authority derived from the ſee of Rome, and generally againſt all Popiſh recuſants; and as for diſarming them, that it may be according to the laws, and according to former acts and directions of ſtate in the like caſe; and yet that it may appear to all the world the favor and clemency your majeſty uſeth towards all your ſubjects, of what condition ſoever; and, to the intent the Jeſuits and prieſts now in the realm may not pretend to be ſurprized, that a ſpeedy and certain day may be prefixed by your majeſty's proclamation, before which day they ſhall depart out of your realm, and all other your highneſs's dominions; and neither they, nor any other, to return or come hither again, upon the ſevereſt penalties of the laws now in force againſt them; and that all your majeſty's ſubjects may be thereby alſo admoniſhed not to receive, entertain, comfort, or conceal, any of them, upon the penalties and forfeitures which by the laws may be impoſed upon them,

"Secondly,

Anno 1624.

These are the King's protestations in his answer to this petition: For my part, I protest before God that my heart hath bled when I have heard of the increase of Popery; God is my judge that it hath been such a great grief to me, that it hath been as thorns in my eyes and pricks in my sides; and, my lords and gentlemen, you shall be my confessors, that if I knew one way better than another to hinder the growth of Popery, I would take it: For knowing what I do, and being persuaded what I am, I could not be an honest man, and do otherwise. To this James added, "That he would not only grant the substance of what was desired in the petition, but add something more of his own; that he would take order for the shameful disorder of the resorting of his subjects to all foreign ambassadors, and consider of a method to reform the education of children born of Popish parents."

"Secondly, seeing we are thus happily delivered from that danger which these treaties now dissolved, and that use which your ill-affected subjects made thereof, would certainly have drawn upon us, and yet cannot but foresee and fear lest the like may hereafter happen, which will inevitably bring such perils into your majesty's kingdoms, we are most humble suitors to your gracious majesty, to secure the hearts of your good subjects by the engagement of your royal word unto them, that, upon no occasion of marriage or treaty, or other requisite in that behalf, from any foreign prince or state whatsoever, you will take away or slacken the execution of your laws against Jesuits, priests, and Popish recusants.

"To which our humble petitions, proceeding from our most loyal and dutiful affections towards your majesty, our care of our country's good, and our own confident persuasion that these will much advance the glory of Almighty God, the everlasting honor of your majesty, the safety of your kingdoms, and the encouragement of all your good subjects, we do most humbly beseech your majesty to vouchsafe a gracious answer. *Parl. Hist.* vol. VI. p. 128, *& seq.*

Every

Anno 1624. Every circumſtance of the peoples' grievances, either in point of foreign trade or domeſtic impoſitions, were at this time, with unreſtrained liberty, canvaſſed in the lower-houſe. A private pique entertained by the prince and the favorite againſt Lionel Cranfield, earl of Middleſex, the preſent lord-treaſurer, induced them to encourage inquiries, to which he was the deſtined victim. In a conference between the two houſes, Sir Edward Coke laid open a charge againſt him for bribery and various miſdemeanors in the execution of his offices. At this conference he claimed for the Commons the right of being the inquiſitors-general of the grievances of the kingdom, and ſhewed that they were ſo appointed by the wiſdom of the ſtate for three ſeveral cauſes:

Earl of Middleſex proſecuted.

I. Becauſe they have beſt notice from all parts thereof:

II. Becauſe it is not the nobility, but the weakeſt commons, who go to the wall:

III. As in a natural body not the diſeaſe, but the neglect of cure, killeth, ſo the long delay of grievances; and this would happen if they were not found out by the Commons.

After a tedious trial, the accuſed was found guilty of malverſation in the ſeveral offices of maſter of the wardrobe, maſter of the court of wards, and treaſurer. The following ſentence was paſſed againſt him by the Lords:

His ſentence. That he ſhould be deprived of all the offices which he held in the kingdom:

That he ſhould be incapacitated from holding any office, place, or employment, in the ſtate or commonwealth:

That he ſhould be impriſoned in the Tower of London during the King's pleaſure:

That

That he ſhould never ſit more in parliament; Anno 1624.
and,

That he ſhould never come within the verge of the court *.

This ſtate-officer had been brought up to trade; he had received moſt of his education in the cuſtom-houſe, and was from thence introduced to Somerſet as a man of a projecting head, and who, from an acquired knowledge in the cuſtoms, might be ſerviceable towards the forming and executing plans to encreaſe the King's revenue. He made himſelf ſo uſeful to Buckingham, that he was by that favorite promoted to the higheſt offices, at length married to one of his kinſwomen, and obtained the titles of baron Cranfield and earl of Middleſex; he had rendered himſelf very agreeable to James by a ſeeming aſſiduity in his ſervice; and this circumſtance, with the affluence of his fortune, made him throw off that humble carriage to his patron which was exacted from all his creatures. Hence aroſe the animoſity which produced his diſgrace. The proſecution was an invidious one, and the charge brought againſt him not very material: But the Commons were actuated with a laudable zeal of rendering exemplary, and ſacrificing to juſtice, thoſe harpies in office who preyed upon the vitals of the commonwealth,

* On the firſt complaint which was made againſt the earl of Middleſex in the lower houſe, he offered to juſtify himſelf by his counſel: This created a jealouſy in the Lords, that it might trench deep into their privileges, for a member of their houſe to anſwer an accuſation in the houſe of Commons. On the lord-treaſurer's requeſt they waved this formality; but an order was made, "That hereafter no member of the houſe of Lords ſhould, without licence, anſwer any complaint in the houſe of Commons, either in perſon or by his counſel." *Parl. Hiſt.* vol. VI. p. 133.

It

Anno 1624. It was not without grounds that Cranfield flattered himſelf with a powerful protection from his maſter: James had the inclination, but not the ability, to ſerve him; he not only lamented his fate, but endeavored to form a party in his favor, and gave directions to Williams to make intereſt among the members to this purpoſe. Theſe efforts were fruitleſs*; as fruitleſs were his expoſtulations to his ſon and to his inſolent minion on the madneſs of their preſent conduct: He told the one, "That he was making a rod to ſcourge himſelf," and the other, "That he would have his belly-full of parliamentary enquiries."

A charge was now ſent up by the Commons againſt Samuel Harſnet, biſhop of Norwich; it contained ſundry articles of divers extortions and ſuperſtitious ceremonies practiſed by himſelf, and exacted from others, in the government of his dioceſe. The Lords excuſed themſelves from entering on this affair, and referred the examination of it to the High-commiſſion court, with a promiſe to give judgment after they had heard their report. Harſnet had preached a ſermon at Whitehall which gave great offence to the Commons, from the ſcripture-text, "Give unto Cæſar the things that be Cæſar's." He inſiſted that goods and money were Cæſar's (the King's), and therefore could not righteouſly be denied him. James appeaſed the anger of the Commons by telling both houſes, "That the biſhop failed in not adding, that goods were

* The regard to juſtice influenced ſome againſt him, and the awe of the prince and duke, others; ſo that Williams could obtain but one vote in his favor.

Cæſar's,

Cæſar's, according to the laws and cuſtoms of the land *. Anno 1624.

The Commons, on hearing the King intended to put an end to the ſeſſion in three or four days, ſent a meſſage to the Lords to the following effect: "That the difficulties attending the ſubſidy-bill had prevented their finiſhing many matters of weight then depending, for which reaſon they entreated their lordſhips to join in a petition to his majeſty for a longer term." The prince of Wales, who was preſent when the meſſage was delivered, undertook to move the King to grant the requeſt. By the means of this interceſſion, James was prevailed on to prolong the ſeſſion from Saturday the twenty-ſecond inſtant to Saturday the twenty-ninth, on condition that neither of the houſes would entertain any new matter. A liſt of all the Popiſh recuſants in offices of profit, truſt, or power, with a petition affixed to it, was ſent up from the Commons to the Lords, with an invitation to join with them in a repreſentation on that ſubject to the King †.

* This certain path to preferment, the biſhop's flattering doctrine, conducted him at length to the poſſeſſion of the ſee of York.

† In this liſt were ſixty known or ſuſpected Papiſts, and twenty-nine whoſe wives, children, and ſervants, were Papiſts. The petition affixed to it ends thus: "Now, in conſideration of the great countenance hereby given to Popery, the great grief and offence to all your beſt-affected, true, and loving ſubjects, the apparent danger of the whole kingdom, by putting the power of arms into ſuch hands as, by former acts of your majeſty's council, are adjudged perſons juſtly to be ſuſpected, and themſelves fit to be diſarmed: Your ſaid loyal and faithful ſubjects do moſt humbly beſeech your majeſty graciouſly to vouchſafe that the ſaid lords and gentlemen above-named, for theſe important reaſons, and for the greater ſafety of your majeſty, and of your realm and dominion, may be removed from all your majeſty's commiſſions of

Anno 1624. The Lords excuſed themſelves from the ungracious taſk by alleging, that it was a kind of judgment and condemnation of the party before the hearing the defence; which, they added, would affect their reputation as a court of judicature. Before the end of the ſeſſion, the Lords came to theſe laudable reſolutions concerning the extent of their privileges in the freedom of their ſervants and followers from arreſt; viz. "That this freedom ſhould continue but twenty days before and after every ſeſſion; that all the Lords for the future be very careful in this point, and remember the ground of this privilege, which was only in regard that they ſhould not be diſtracted by the trouble of their ſervants from attending the ſerious affairs of the nation; that therefore they will not pervert that privilege to the public injuſtice of the kingdom, which was given them chiefly that the whole realm might, in this high court, draw the clear light of juſtice from them, in which caſe every one ought rather to keep far within than any way exceed their due limits; that hereafter before any perſon be ſent for in this kind, the lord whom he ſerves ſhall, either by himſelf or by meſſage, certify the houſe, upon his honor, that the perſon arreſted is within the limits of the privileges before expreſſed: And for the particulars, they muſt be left to the judgment of the houſe, as the caſe ſhall come in queſtion; wherein the houſe wants no means, as well by oath as without, to find out the true nature of the ſervant's quality in his

of great charge and truſt, commiſſions of lieutenancy, oyer and terminer, and of the peace, and from all offices and other places of truſt." *Parl. Hiſt.* vol. VI. p. 322, *&c. ſeq.*

lord's

lord's ſervice; thereupon if it be adjudged by the houſe contrary to the true intent, any member whatſoever muſt not think it ſtrange if, in ſuch a caſe, both himſelf ſuffer reproof, as the houſe ſhall think fit, and his ſervant receive no benefit from the privilege, but pay the fees; becauſe the juſtice of the kingdom muſt be preferred before any perſonal reſpect; and none to be ſpared who ſhall offend after ſo fair a warning." Anno 1624.

The Lords ſeemed now to reſent the ſevere precedent againſt the members of their houſe, in the caſe of the late treaſurer. After having heard the report of their committee concerning judicature, they ordained, "That in all caſes of moment the defendant ſhould have copies of all depoſitions, both *pro & contra*, after the publication, a convenient time before hearing, to prepare themſelves; and that on demand they ſhould have learned counſel to aſſiſt them in their defence *. Likewiſe that it ſhould be conſidered on the next meeting at what time and for what cauſes a member of that houſe ſhould be brought to the bar."

On the twenty-ninth of May the parliament was prorogued to the ſecond of November next enſuing. The Commons had prepared all the depending bills for the royal aſſent †, and for Parliament prorogued.

* Theſe indulgencies had been denied in the caſe of the earl of Middleſex.

† Acts paſſed this ſeſſion.

1. An act for making perpetual an act made *anno* 39 Eliz. entitled, "An act for the erecting hoſpitals and workhouſes for the poor."

2. An act for the quiet of the ſubject againſt concealments.

3. An act concerning monopolies, and diſpenſations with penal laws.

4. An

Anno 1624. this one time they parted with the King in ſeeming good humor.

4. An act for the eaſe of the ſubject concerning informations upon penal ſtatutes.

5. An act that ſheriffs, their heirs, &c. having a *quietus eſt*, ſhall be diſcharged of their accounts, with the judges' opinion therein.

6. An act concerning women convict of ſmall felonies.

7. An act to repreſs drunkenneſs, and to reſtrain the haunting of inns, &c.

8. An act to puniſh abuſes in procuring *ſuperſedeas* of peace out of the courts of Weſtminſter, and to prevent the abuſes in procuring writs of *certiorari* out of the ſaid courts.

9. An act for the free trade of Welſh cloths, &c. in England and Wales.

10. An act to repeal a branch of the ſtatute *an.* 34 Hen. VIII. entitled, "An act for certain ordinances in the King's dominions and principality of Wales."

11. An act for confirmation of a judgment given for his majeſty in a *ſcire facias* againſt Henry Heron, and for declaration of the letters-patent therein mentioned to be void.

12. An act to make perpetual the act for eaſe in pleading againſt troubleſome ſuits proſecuted againſt juſtices of the peace, mayors, &c.

13. An act for the farther reformation of jeofails.

14. An act to admit the ſubject to plead the general information of intruſion brought in the King's behalf, and to retain his poſſeſſion till trial.

15. An act to enable judges to give reſtitution of poſſeſſion in certain caſes.

16. An act for limitation of actions, and for avoiding of ſuits in law.

17. An act againſt uſury.

18. An act for the continuance of a former ſtatute made 4 Jac. entitled, "An act for the true making of woollen cloth."

19. An act for the farther deſcription of a bankrupt, and relief of creditors againſt ſuch as ſhall become bankrupts, and for inflicting a corporal puniſhment upon them in ſuch a caſe.

20. An act to prevent curſing and ſwearing.

21. An act concerning hoſtlers and innholders.

22. An act for explaining a ſtatute *an.* 3, 4, 5 Ed. VI. concerning the traders of butter and cheeſe.

23. An

James's condeſcenſion in permitting the parliament to be their own treaſurers turned out to be a piece of groſs king-craft: On accepting the ſubſidies he made the following declaration: "I deſire you to underſtand, ſaid he, that I muſt have a faithful ſecret council of war, which muſt not be ordered by a multitude, for ſo my deſigns may be diſcovered before-hand. One penny of this money ſhall not be beſtowed but in ſight of your committees: But whether I ſhall ſend two thouſand or ten thouſand, whether by ſea or by land, Eaſt or Weſt, by diverſion or otherwiſe, by invaſion upon the Bavarian or the Anno 1624.

23. An act to avoid delays by removing of actions out of inferior courts.

24. An act for relief of creditors againſt ſuch as die in execution.

25. An act for relief of patentees, tenants, and farmers of crown lands and duchy lands.

26. An act againſt ſuch as ſhall levy any fine, ſuffer any recovery, knowlege, any ſtatute, recognizance, bail, or judgment, in the name of any perſon not privy thereunto.

27. An act to prevent the murdering of any baſtard children.

28. An act to continue divers ſtatutes and repeal others.

29. An act to enable Prince Charles to make leaſes of lands parcel of the duchy of Cornwall, or annexed to the ſame.

30. An act to aſſure York-houſe and other lands to the King, and to aſſure the manors of Brighton Santon and other lands to the archbiſhop of York.

31. An act for the good government of the makers of knives in Hallamſhire, in the county of York.

32. An act to make the Thames navigable from the Bercat to Oxon.

33. An act for the ſubſidies of the clergy.

34. An act for three ſubſidies, three fifteenths, and tenths, granted by the temporality, with the judges' opinion.

35. An act for the King's general pardon.

Private acts 38. *Vide Statutes at Large. Vide Ruſhworth.*

Anno 1624. emperor, you muſt leave that to your King." Thus, though the parliament had appointed their receivers, and their council of war, yet, as theſe commiſſioners were to anſwer all money-draughts made upon them by the crown, the power was nothing more than nominal, and a device of Buckingham's to cajole the Commons into a liberal grant.

The jealouſy which the Lords conceived leſt the lower houſe ſhould get an increaſe of privileges by this joint power, and the want of precedent for drawing up ſuch a bill, made it a work of time and difficulty: Notwithſtanding the judges had given it as their opinion that there was nothing in this act which could impeach or blemiſh the privileges of the higher houſe, or add to thoſe of the lower, ſave in the caſe in queſtion, the Lords entered a proteſtation, that no word, matter, or thing, in this act, ſhould be conſtrued hereafter to make any alteration in the juriſdiction, power, privilege, or authority, of either houſe. So active was this ariſtocratical aſſembly, in all theſe points of partial privilege.

Marriage-treaty with France.

The propoſal of a marriage between the prince of Wales and the princeſs Henrietta, had been received by the French court with evident marks of extreme ſatisfaction. Their natural jealouſy of the houſe of Auſtria was at this time much augmented by ſome late attempts of the Spaniard upon the boundaries of France *, and the additional ſtrength which this formidable neighbor was on the point of attaining, by an union with a naval power, gave them the moſt alarming apprehenſions. Beſides theſe conſiderations,

* This was the Valteline, which country Spain had ſeized.

which

which engaged the French monarch to wiſh the diſſolution of the late treaty between the crowns of Spain and England, an alliance with the latter was much to be coveted by himſelf: His Proteſtant ſubjects could never be totally extirpated, if properly ſupported by their brethren in England, and the offered union with the Stewart family would probably deprive them of ſuch an aſſiſtance. This being the opinion and diſpoſition of the French miniſtry, it is no wonder that James's ambaſſador met with the moſt cordial reception: Among many high compliments, Lewis told him, "That he had rather have the prince of England for his brother-in-law than any man in the world; that in the terms of this deſired union he ſhould not be directed by the pope, but agree to ſuch as did conſiſt with reaſon." Anno 1614.

Spain at this time had not given up all thoughts of renewing the interrupted treaty. A juncture thus favorable might have enabled James, with any degree of conduct, to have concluded the alliance on ſafe and honorable terms; but his vehemence was ſo apparent that the French court altered their tone, and told his ambaſſador, the earl of Holland, to whom the earl of Carliſle was at this time joined in commiſſion, "That the ſame favorable articles for the Roman Catholics were expected as had been before yielded to Spain. No interruption of the negotiation followed theſe new and high demands*. They

* André du Cheſne, a French author, writes in the following manner on this treaty:

"La recherche & propoſition que les ambaſſadeurs Anglois firent de l'alliance du prince fils unique du roi leur maitre avec madame fille de France, fut ſi agreablement receve du roi tres Chreſtien, & de ſes principaux conſeilleurs, qu'ils nommerent auſſi toſt des commiſſaires pour travailler avec eux au traité du mariage, mais on eut ſujet de douter

Anno 1624. were immediately complied with by the ambaſſadors, with theſe only exceptions:

That a toleration ſhould not be granted in the public articles, nor a church in London allowed to the Roman Catholics. To balance this, the children were to be brought up under the care and inſpection of the princeſs Henrietta till the

---

v'il ſe pourrait contracter ſans les conditions deſirées par le roi de la Grande Bretagne & ſes ſujets tant Proteſtant que Puritains. Car de penſer obtenir les meſmes advantages pour les Catholiques d'Angleterre, que le roi d'Eſpagne avoit demandez, puis-que ces Proteſtant & Puritains les jugeoint repugnants au repos de leur eſtat, & que leur roi meſme leur avoit perſuadé qu'il n'avoit rompu avec l'Eſpagne qu'en cette conſideration, il y avoit bien peu d'apparence. Neant-moins le marquis d'Effiat ayant eſté choiſy pour negocier une ſi importante & difficile affaire, en qualité d'ambaſſadeur extraordinaire, il en fiſt reuſſir le ſuccez a l'honneur du roi, & de toute la France. Car en premier lieu il obtint que pour la ſeurté des Catholiques Anglois, le roi d'Angleterre, & le prince de Galles, ſon fils, bailleroient des actes ſolemnels, & feroient ſerment ſur les ſaints evangiles. Secondement, au lieu que les Eſpagnols s'etoient contentez d'une vingt-aine de ſimple prêtres pour la princeſſe & toute ſa cour, on lui accorda qu'elle auroit vingt-ſix eccleſiaſtiques de tels ordres qu'il lui plairoit les choiſir avec liberté de porter l'habit de leur ordre en public. Il obtint de plus que les enfans qui naitroint du mariage ſeroient nouris & ellevez a Catholiques aupres de la princeſſe juſquà l'age de treize-ans, bien que les Eſpagnols ſe fuſſent relachez a dix. Et n'eut eté que le marquis de la Vieuville, qui pour lors avoit la principale authorité aupres du roi tres Chretien, paſſa des le commencement trop de choſes dans les conditions du traité, l'on eut encore beaucoup mieux pris ſes avantages pour le bien de la religion. Car il n'euſt pas eté poſſible d'obtenir ce que deſſus, s'il fut demeuré dans la meme authorité. Mais le changement qui arriva en donna le moyen. Le cardinel de Richelieu prenant le ſoin des affaires par le commandement du roi, il authoriſa ſi bien les choſes & negocia avec les ambaſſadeurs Anglois avec tant de prudence & de dexterité qu'ils furent contraints de ceder a ce puiſſant eſprit. Ce qui donna plus de moyen au marquis d'Effiat de faire agreer en Angleterre ce qui avoit eté facilité en France." *Du Cheſne*, fol. edit. Paris, 1641, p. 1180, *& ſeq.*

age

age of thirteen; and three private articles were agreed to: Anno 1624.

That the Catholics, both eccleſiaſtic and temporal, impriſoned ſince the laſt proclamation which followed the breach with Spain, ſhould be all ſet at liberty:

That the Engliſh Catholics ſhould be no more ſearched after, nor moleſted for their religion:

That the goods of the Catholics, as well eccleſiaſtic as temporal, which were ſeized on ſince the afore-mentioned proclamation, ſhould be reſtored to them.

As haughty and inſolent were the demands of France in regard to the temporal articles of jointure and fortune *, and equally abject were the conceſſions of James.

* Henrietta's jointure was to be ſixty thouſand crowns per year. If ſhe was left a widow without children, her whole portion, which was eight hundred thouſand crowns, was to be returned to her, to be diſpoſed of as ſhe pleaſed, ſhe ſtill enjoying her dower; in caſe of children, two thirds were to be reſtored, the other third to remain to the children; the two thirds reſtored to the mother to revert to them in caſe ſhe died unmarried, or without children by a ſecond marriage; in the caſe of children by a ſecond marriage, theſe children of the ſecond bed to divide the two thirds with thoſe of the firſt; in the caſe of her dying before the prince, without iſſue, half of the portion was to be paid back to the king of France; that the King of Great Britain ſhould preſent her on her marriage fifty thouſand crowns' worth of jewels, which jewels were to be her own property; her jointure to be aſſigned her in lands, caſtles, and houſes, one whereof to be made fit for her to reſide in, and furniſhed ſuitably to a princeſs of her quality; that ſhe ſhould have the free diſpoſal of the offices and benefices of the ſaid lands, part of which lands were to have the title of duchy or earldom; that ſhe ſhould have liberty, whether ſhe had children or not, to return to France with her houſhold goods, jewels, diamonds, and portion, as ſpecified in the articles above; and in this caſe the King of England to conduct her to Calais at his charge. *Somers's Third Collection of Tracts*, 1751, vol. I. p. 262, *& ſeq.*

Anno 1624. Rapin, oct. ed. 1729, vol. IX. p. 588. & ſeq.

The whole negotiation on the ſide of Lewis was conducted by the artful miniſter Richlieu, who was at this time introduced into the French councils through the intereſt of the queen-mother. By his advice the archbiſhop of Ambrun was ſent as a ſecret agent to intercede for the Catholics, but in effect to ſound James's inclination towards the Popiſh faith. This prelate gained from certain Papiſts, who were upon a footing of familiarity with James, ſuch uſeful intelligence that he ſoon found means to attain the higheſt degree of favor and confidence: Conferences grew frequent between them. One of theſe having turned upon a full toleration to the Catholics in England, and on the deſire which James had of living in a ſtrict union with the king of France, the archbiſhop acquitted himſelf ſo well, that the King, giving him a ſqueeze by the hand, told him, "That he perceived he was the man ſent to him from God, to whom he might open freely his mind." After this, he went upon the chimerical project he had long planned for uniting all Chriſtians in one form of worſhip *; and on an intention he had of calling an aſſembly of divines, both foreign and Engliſh, to be held at Boulogn or Dover, for the purpoſe of ſettling proper means to carry his project into execution. With this he put into the archbiſhop's hands a memorial on the ſubject, that being thus provided, he might begin the negotiation with the pope and the king of France, whilſt himſelf undertook to deal with

* Cornwallis gives us the account of a long converſation he had with the duke of Lerma, on this ſubject of a general uniformity in the mode of Chriſtian worſhip. *Winwood's Memorials*, vol. II. p. 461, *& ſeq.*

the

the king of Denmark and the Proteſtant princes of Germany. Anno 1624

This narrative of Ambrun is very much of a piece with the impertinent ſchemes and conceited opinions of James. He regarded religion in no other light than as a proper inſtrument to effect paſſive obedience in ſubjects: For this reaſon he treated the material points of faith which diſtinguiſh the Roman Catholic and reformed religions as mere ſchool-queſtions, too inſignificant to make a ſchiſm in the church, the beſt ſuited for the arbitrary purpoſes of princes, except in the one tenet of ſuperior allegiance to the pope. This doctrine he wanted to inculcate to all ſovereigns, and to form a kind of fraternal league, in which they ſhould oblige the pope to give up this claim, and yield each other mutual aſſiſtance in quelling the rebellious opinions of their ſubjects *. It was with a view of ſuch ſupport from the Auſtrian family, that he had puſhed on that alliance with all its diſgraceful dangerous conditions.

He was at this time actuated by the ſame expectations in the preſent treaty with France, and aſſumed ſo much upon them, as to permit the archbiſhop of Ambrun, to adminiſter public confirmation in the French ambaſſador's houſe to all who ſhould apply: The number was ſo great, that the magiſtrates of London complained of

* He openly profeſſed the following reaſon for abandoning the Palſgrave's cauſe: That there is an implicit tie among kings, which obligeth them, though there be no other intereſt or particular engagement, to ſtick to and right one another upon an inſurrection of ſubjects; therefore he had more reaſon to be againſt the Bohemians, than to adhere to them, in the depoſition of their ſovereign prince. *Howel's familiar Letters.*

Anno 1624. it; the King owned it was done by his permiſſion. This was immediately after the ſtrong declaration he had made to the parliament againſt ſuch a practice. He was at this time ſo exalted with an expectation of brotherly friendſhip from the king of France, that he told the lords of the council, with a kind of tranſport, that Lewis was ſo much his friend as to offer to aſſiſt him in perſon if ever he ſhould deſire him: "Truly, adds he, he has gained ſo much upon me by this kindneſs, that in any thing which ſhall concern him I will employ not only my peoples' lives, but my own; and whatſoever of his ſubjects ſhall riſe againſt him, either Catholics or others, ſhall find me a party for him."

The Engliſh ambaſſadors who were now negotiating the treaty of marriage in France, had orders to propoſe to that court a league againſt the houſe of Auſtria: Lewis's miniſters liſtened to this propoſal; but at the ſame time told the ambaſſadors, "That the league and marriage were two diſtinct things, which could not be negotiated together; but that after the concluſion of the marriage they would treat of the league."

The aid granted to the King the laſt parliament was computed to be conſiderable enough to ſend five-and-twenty thouſand men into the Palatinate: Six thouſand, under the command of the earls of Oxford, Southampton, Eſſex, and the lord Willoughby, were immediately embarked for Holland to join the army of the States. Though the united corps of Dutch and Engliſh made a conſiderable army, yet the prince of Orange could not prevent the town of Breda from falling into the hands of Spinola. During the ſiege of Breda, many of the Engliſh died by ſickneſs:

ſickneſs: This was the fate of the gallant earl of Oxford, who had been one of the volunteers who oppoſed the Spaniſh forces in the Palatinate. He was afterwards impriſoned for ſpeaking freely againſt the Auſtrian match; on the return of the prince from Madrid, he obtained his liberty and the command of a regiment. Anno 1624.

Other troops were levied to be under the command of Mansfeldt, who with theſe was to open a paſſage into the Palatinate: According to this reſolution Mansfeldt came into England, and Lewis was preſſed farther on the ſubject of the league, or at leaſt to grant a free paſſage to the Engliſh troops through his dominions. Evaſive anſwers were taken as certain promiſes, and Mansfeldt ſet out at the head of twelve thouſand men, to make his paſſage through France into Germany. Preparatory to this march a demand was made of the city of Frankendale to the infanta Iſabella, who, according to the treaty at London, was to deliver it up on the twenty-ſixth of October. At the ſame time was demanded a free paſſage through the German territory, for the troops who were to be ſent to garriſon it. The infanta anſwered, "That ſhe would freely ſurrender the town on the day appointed, to ſuch as ſhould produce a power from the king of England; that ſhe would grant a paſſage through her own and the king of Spain's dominions, according to the words of the treaty; but to procure a paſſage for the Britiſh troops through the empire, ſhe declared was not in her power, nor was ſhe obliged to do it." To compleat this farce, on the twenty-ſixth of October, the day in which Frankendale was to be re-delivered, Spinola with his troops marched out of the town, and finding none of James's forces ready to take poſſeſſion, Mansfeldt's expedition.

Anno 1624. poſſeſſion, he inſtantly re-entered, pulled down the arms of the king of England, and ſet up thoſe of the king of Spain. The twelve thouſand men under the command of Mansfeldt were embarked for the French coaſt in the month of December, the very depth of winter. When they arrived at Calais they were not ſuffered to land; after much time was ſpent in meſſages backward and forward between them and the court, the king of France poſitively aſſerting he had never promiſed to grant them a paſſage, they were forced to ſail to Zealand *, where they met with the ſame difficulty as they had juſt experienced at Calais: The Zealanders excuſed themſelves from receiving ſuch a number of unexpected gueſts, on the pretence of a deficiency of proviſions. During a tedious negotiation, in which meſſengers were ſent to the Hague and afterwards to London, the peſtilence ſeized the ſoldiers, and carried off above two thirds. Of the few who eſcaped the ſickneſs, ſome deſerted and ſome liſted themſelves among their countrymen in the ſervice of the States. Thus was exemplified the utility of James's proviſo, that the conduct and direction of the war muſt be left to the King. This refuſal of receiving his troops was the ſecond barbarous inſult which he had received from the Dutch republic.

Ruſhworth, vol. I. p. 151.

* The prince of Wales and the duke of Buckingham, who were at preſent the ſole managers of the affairs of ſtate, looked upon the aſſiſtance of France as a thing to be depended upon, Lewis being in a manner bound by the ties of friendſhip and intereſt. A diſpute then ſubſiſting between him and the king of Spain concerning the Valteline, the view of theſe ſhallow politicians was not comprehenſive enough to take in the bigotted prepoſſeſſions which actuated this monarch, the arbitrary deſigns of his miniſter, or the variety of capricious principles which influence the meaſures of a court.

In

In the iſlands from whence the Portugueſe and Spaniards had been driven by the States, the Engliſh, according to treaty, were to enjoy a third part of the trade. Of the Engliſh factories ſettled in theſe parts, a few families lived at Amboyna under the protection of a Dutch eſtabliſhment. According to the nature of rivalſhip, an ill correſpondence ſoon ſubſiſted between the two people: A plot was trumped up againſt the Engliſh, as if they had formed a deſign to deſtroy the Dutch ſettlement; all of them were ſeized, examined, and put to a variety of tortures, which exceeded every diabolical invention of the kind which had been before known: Thoſe who purchaſed relief by confeſſion, retracted it with their dying breath; the greater part retained their fortitude, and expired under their tortures; a few who ſurvived theſe cruelties were ſent out of the iſland to other Engliſh plantations. Thus the whole factory was deſtroyed, and the Dutch remained ſole maſters of the trade *.

Anno 1624.

Maſſacre at Amboyna.

* It is very probable that the late behavior of the Zealanders aroſe from the fear of admitting ſo large a body of Engliſh troops, leſt they might have fallen upon ſome method of revenging the maſſacre of Amboyna. James had been upon ill terms with the Dutch for ſome time; in the year 1609 he iſſued a proclamation for preventing the promiſcuous fiſhing of ſtrangers on the Britiſh coaſt: The Dutch refuſed to comply with this proclamation, and defended their fiſhing veſſels with a naval force. Theſe ſpirited republicans had entertained a ſtrong jealouſy on the intended connection between the Engliſh and the Spaniſh courts; They reſented the neglect James had ſhewn to the Proteſtant cauſe, in the baſe deſerting his ſon in-law, the elected king of Bohemia. This, with the contempt they had for his perſon and government, occaſioned them to commit continual infringements in the treaty which ſubſiſted between them and the ſtate of England: They moleſted the Engliſh in their Eaſt-India trade, and in Greenland, where the citizens of London had eighteen ſhips employed in the whale-fiſhery;

Anno 1624. This cataſtrophe happened at the time when James had given up all hopes of the Spaniſh alliance, and when he was puſhed on by the violent meaſures of his favorite to a rupture with that ſtate. This being his ſituation, the friendſhip of the Dutch was too valuable to be hazarded by an ill-timed reſentment; he was obliged to accept of their excuſes, and to put up with this flagrant breach of faith, without exacting any kind of atonement. Humiliating as were theſe accumulated diſgraces, the domeſtic ones ſuſtained by him at this time he much more impatiently reſented: Such was the deſpotiſm exerciſed over him by Buckingham, that on Briſtol's arrival, he was conſtrained to ſend a command to him, to confine himſelf to his own houſe. According to repeated ſolicitations of the accuſed, commiſſioners were appointed to examine into the na-

Rapin, vol. IX. p. 586.

fiſhery; theſe crews were ſurpriſed and murdered by the Dutch on pretence that they had an excluſive privilege of fiſhing on that coaſt.

Sir Thomas Wentworth, in a letter to Chriſtopher Wandesford, Eſq. gives the following deſcription of the inſults the Engliſh were ſubjected to at this time: "The States, writes he, have ſo well diſciplined their men in the East-Indies, as that, directly in breach of the articles concluded by commiſſioners of us and them, concerning the carriage futurely of our trade, they have cut off the heads of captain Towerſon and ten more of our principal captains and factors in theſe places; ſo as our merchants here proteſt to give over the trade; and ſo ſave yourſelf and other grave patriots the trouble of condemning their patent in parliament. And farther their lordſhips, to give us a proof how much they love our company, they daily cauſe their men of war to take all our merchant-ſhips trading into Brabant, or any part of the archdueheſs's dominions. And according to their virtuous example, the Dunkirkers, unwilling to be behind them, do the like by all our merchants trading into Holland, or any part of the States' country. *Guthrie. Carleton's Letters. Strafford's Letters*, fol. ed. 1739. p. 22.

ture

ture of his offence: After a minute interrogation they declared, that they could find nothing blameable in his conduct. Notwithſtanding this, his confinement was continued, and himſelf given to underſtand by Buckingham, "That he was much miſtaken if he imagined his anſwers were ſatisfactory to the King, the prince, or to him (the duke); that his only way of regaining favor was to make the confeſſion he had ſent him." James exclaimed againſt ſuch a treatment, and told Buckingham, "It was an horrible tyranny to make an innocent man declare himſelf guilty." Notwithſtanding this, he could not obtain leave to admit him to his preſence, as the offered terms had been refuſed, though he had ſolemnly promiſed ſuch a permiſſion. Anno 1624.

James ſeems to have reſigned himſelf to the preſent neceſſity with an intention of breaking from his thraldom on the firſt favorable opportunity. He was ſenſible that the authority which his inſolent minion maintained over him, was entirely owing to circumſtances ariſing from the familiarity which had ſubſiſted between them, and from a temporary popularity, unſupported by character, principle, or capacity; an occaſion would undoubtedly offer to throw him off, when he was again become the object of public odium; in this attempt he was certain of having aſſiſtance from men whoſe abilities were infinitely ſuperior to thoſe of his ungrateful ſervant, men by whom Buckingham was deteſted from motives of envy, and from the inſolence of his carriage: Of theſe none were more inveterate than Williams, who had been long upon ill terms with his patron, on his attempt to undermine him in James's favor, and his oppoſition to him in council on the rupture with Spain. He had lately endeavored to

eradicate

Anno 1624. eradicate from his mind unfavorable impreſſions, by the moſt abject ſubmiſſion and affected zeal for his ſervice; theſe endeavors had been fruitleſs, and Buckingham had ſhewn him ſuch a ſtrong teſtimony of his ill will, as to have made a puſh at him in the houſe of Commons the laſt ſeſſion; but the complaints were thought too frivolous and too ill-grounded to bear an impeachment. In this ſituation, Williams's ſafety was incompatible with Buckingham's power, who had likewiſe a dangerous enemy in Briſtol, on account of the ſtrong evidence he could produce of his abſurd conduct at Madrid, and his groſs impoſitions on the nation by a falſe detail to the parliament of the tranſactions at the court of Spain. Such a concurrence of malice and matter could not fail to cruſh him at ſome unlucky period: Of this he was very ſenſible, when the death of the King at once diſpelled his fears, and fixed his tottering ſituation.

Anno 1625. Death of the King. About the middle of March James was ſeized with a tertian ague, which terminating in a fever, put an end to his life on the twenty-ſeventh of the ſame month, and in the fifty-ninth year of his age. During the courſe of his illneſs, he was ſo cloſely beſet by Buckingham and his family, that the reſt of the courtiers were not permitted to ſee him till he was in the laſt agonies. Without the knowledge of his phyſicians they applied a plaiſter to his ſide, and gave him a potion, the operation of which was followed by the fever that terminated his days. Theſe circumſtances, added to the criticalneſs of his deceaſe, gave riſe to ſuſpicions of the darkeſt nature *; the proſecution

* See an Hiſtorical and Critical Account of the Life and Writings of James I. by the ingenious and accurate W. Harris, 8vo, p. 237, *& ſeq.*

of

of enquiries was timely put an end to by the authority of Charles, and the affair thus favorably conſigned to an eternal uncertainty. Anno 1625.

James was of a middle ſtature, of a fair complection, and a ſoft ſkin; his perſon plump but not corpulent, his eyes large and rolling, his beard thin, his tongue too big for his mouth, his countenance diſagreeable, his air aukward, and his gait remarkably ungraceful, from a weakneſs in his knees which prevented his walking without aſſiſtance; he was tolerably temperate in his diet, but drank of little elſe than rich and ſtrong wines. His perſon. Weldon.

His character, from the variety of groteſque qualities which compoſe it, is not eaſily delineated: The virtues he poſſeſſed were ſo loaded with a greater proportion of their neighboring vices, that they exhibit no lights to ſet off the dark ſhades; his principles of generoſity were tainted by ſuch a childiſh profuſion that they left him without means of paying his juſt obligations, and ſubjected him to the neceſſity of attempting irregular, illegal, and unjuſt methods of acquiring money. His friendſhip, not to give it the name of vice †, was directed by ſo puerile a fancy, and ſo abſurd a caprice, that the objects of it were ever contemptible, and its conſequences attended with ſuch an unmerited profuſion of favors, that it was perhaps the moſt exceptionable quality of any he poſſeſſed. His diſtinctions were formed on principles of ſelfiſhneſs: He valued no perſon for any endowments which could not be made ſubſervient to his pleaſures or his intereſt; Character.

† All his letters to his favorite Villiers are written in a ſtyle fulſomely familiar, many of them indecent, with very unuſual expreſſions of love and fondneſs.

and

Anno 1625. and thus he rarely advanced a man of real worth to preferment *. His familiar converſation, both in writing and in ſpeaking, was ſtuffed with vulgar and indecent phraſes. Though proud and arrogant in his temper, and full of the importance of his ſtation, he deſcended to buffoonry, and ſuffered his favorites to addreſs him in the moſt diſreſpectful terms of groſs familiarity †. Himſelf affected a ſententious wit, but roſe no higher in theſe attempts than to quaint, and often ſtale conceits. His education had been a more learned one than is commonly beſtowed on princes; this, from the conceit it gave him, turned out a very diſadvantageous circumſtance, by contracting his opinions to his own narrow views. His pretences to a conſummate knowledge in divinity, politics, and the art of governing, expoſe him to a high degree of ridicule; his conduct ſhewing him more than commonly deficient in all thoſe points. His romantic idea of the natural rights of princes cauſed him publicly

* His want of gratitude to the memory of his preceptor Buchanan, who had taken great pains to form his tender mind to virtue, and to teach him true policy and magnanimity, is one inſtance of his diſregard to worth.

† The following familiar epiſtle is from Buckingham to King James: "Were it not that you might think me an incroacher upon your goodneſs, I ſhould make a propoſition for you to ſtay ten days at Theobalds, by which doing you might have the company of your ſweet ſon, without whom we ſhould neither play at cards, goſſe, nor ſit up for does at Huntingdon; whereas, if you ſtay at Theobalds but theſe ten days, you might have to wait on you not only a ſound ſon, but a ſervant within and without as clean as a ſhilling. But if theſe reaſons were not, I pray your ſowſhip how can you ſpend theſe ten days better in any other place." *MSS. in Brit. Muſ.* fol. 6987, n. 106.

The reader is referred to Letters publiſhed by Sir David Dalrymple, 1762, p. 26, for another of the ſame ſort, but much more groſsly familiar.

to

to avow pretenſions which impreſſed into the minds of the people an incurable jealouſy; this, with an affectation of a profound ſkill in the art of diſſembling, or of king-craft, as he termed it, rendered him the object of fear and diſtruſt; when at the ſame time he was himſelf the only dupe to an impertinent uſeleſs hypocriſy. If the laws and conſtitution of England received no prejudice from his government, it was owing to his want of ability to effect a change ſuitable to the purpoſe of an arbitrary ſway. Stained with theſe vices, and ſullied with theſe weakneſſes, if he is ever exempt from our hatred, the exemption muſt ariſe from motives of contempt! Anno 1625.

Deſpicable as he appears through the whole period of his Britannic government, his behavior when king of Scotland was in many points unexceptionable; but, intoxicated with the power he received over a people whoſe privileges were but feebly eſtabliſhed, and who had been long ſubjected to civil and eccleſiaſtical tyranny, he at once flung off that moderation which hid his deformities from the common eye.

It is alledged that the corruption he met with in the court of England, and the time-ſerving genius of the Engliſh noblemen, were the great means which debauched him from his circumſpect conduct. Among the forwardeſt of this worthleſs tribe was Cecil, afterwards earl of Saliſbury *, who told him on his coming to the Weldon.

* In a ſpeech which James made to the parliament in the year 1620, he excuſes himſelf for his former conduct in that aſſembly, and ſays, that he was led by the counſellors of the late Queen.

The ſervile tools whom James had raiſed to the higheſt preferments in the ſtate, beſtowed the ſame tribute of abſurd flattery to his memory as they had fed him with during his life.

Anno 1625 crown, "That he ſhould find his Engliſh ſubjects like aſſes, on whom he might lay any

The following is a character drawn of him by Williams, in a ſermon he preached at his funeral:

"I dare preſume to ſay, you never read in your lives of two kings more fully paralleled amongſt themſelves, and better diſtinguiſhed from all other kings, than king James and king Solomon. King Solomon is ſaid to be *unigenitus coram matre ſua*, the only ſon of his mother, ſo was king James; Solomon was of a complection white and ruddy, ſo was king James; Solomon was an infant-king, *puer parvulus*, a little child, ſo was king James a king at the age of thirteen months; Solomon began his reign in the life of his predeceſſor, ſo, by the force and compulſion of that ſtate, did our late ſovereign king James; Solomon was twice crowned and anointed a king, ſo was king James; Solomon's minority was rough, through the quarrels of the former ſovereign, ſo was that of king James; Solomon was learned above all the princes of the Eaſt, ſo was king James above all the princes in the univerſal world; Solomon was a writer in proſe and verſe, ſo, in a very pure and exquiſite manner, was our ſweet ſovereign king James; Solomon was the greateſt patron we ever read of to church and church-men, and yet no greater (let the houſe of Aaron now confeſs) than king James: Solomon was honored with ambaſſadors from all the kings of the earth, and ſo you know was king James; Solomon was a main improver of his home-commodities, as you may ſee in his trading with Hiram, and God knows it was the daily ſtudy of king James; Solomon was a great maintainer of ſhipping and navigation, a moſt proper attribute to king James; Solomon beautified very much his capital city with buildings and water-works, ſo did king James; laſtly, before any hoſtile act we read of in hiſtory, king Solomon died in peace, when he had lived about ſixty years, and ſo you know did king James; and as for his words and eloquence, you know it well enough,—it was rare and excellent in the higheſt degree. Solomon, ſpeaking of his own faculty in this kind, divides it into two ſeveral heads, a ready invention, and an eaſy diſcharge and expreſſion of the ſame,—"God hath granted me to ſpeak as I would, and to conceive as it is meet for the things ſpoken of,"—and this was eminent in our late ſovereign: His invention was as quick as his firſt thoughts, and his words as ready as his invention; he would firſt wind up the whole

ſubſtance

burthen, and ſhould need neither bit nor bridle but their aſſes' ears."

CHAP. IX.

State of the civil and eccleſiaſtical government of England at the acceſſion of the Stewart family.——Cauſes of the change of government which took place during the adminiſtration of the Stewart family.——State of trade.——State of the finances during the reign of King James.

TO enable the reader to form juſt notions on the intereſting tranſactions which brighten the following period of the Engliſh ſtory, it may not be improper to enter into a detail of the ſtate

ſubſtance of his diſcourſe into one ſolid and maſſy conception, and then ſpread it and dilate it to what compaſs he pleaſed, "*Proſluenti & quæ principem deceret eloquentia*," (as Tacitus ſaid of Auguſtus) in a flowing and a princely kind of elocution; thoſe ſpeeches of his in the parliament, Star-chamber, council-table, and other public audiences of the ſtate (of which, as of Tully's orations, "*Ea ſemper optima quæ maxima*," the longeſt ſtill was held the beſt) do prove him to be the moſt powerful ſpeaker who ever ſwayed the ſceptre of this kingdom; in his ſtyle you may obſerve the Eccleſiaſtes, in his figures the Canticles, in his ſentences the Proverbs, and in his whole diſcourſe *reliquum verborum Salomonis*, all the reſt which was admirable in the eloquence of Solomon; how powerfully did he charge the prince with the care of religion and juſtice, the two pillars (as he termed them) of his future throne? how did he recommend unto his love the nobility, the clergy, and the commonalty in general? how did he thruſt, as it were, into his inward boſom his biſhops, his judges, his near ſervants, and * diſciple of his whom he ſo loved in particular? and concluded with that heavenly advice to his ſon concerning that great act of his future marriage, to marry like himſelf, and marry where he would; but if he did marry the daughter of that king, he ſhould marry her perſon, but not her religion.' *Ruſhworth*, vol. I. p. 160, *& ſeq.*

* Duke of Buckingham.

of the kingdom in regard to government at the acceſſion of the Scottiſh line. It muſt be owned, that it was in many reſpects very arbitrary, and that the liberties of the ſubject were neither accurately defined, nor apparently defended. The terror of returning again to thoſe civil diſtractions which the conteſt between the two families of York and Lancaſter had occaſioned, together with the eccleſiaſtical faction which broke out in this kingdom during the adminiſtration of the Tudors, had enabled that family to make pernicious encroachments on the legal rights of the ſubjects, ſtipulated by Magna Charta; time had given ſtrength to theſe uſurpations, and oppoſition in the people to the will of the ſovereign was unauthorized by examples of modern date. The univerſal ſimplicity of manners which ſubſiſted during the early periods of the Engliſh hiſtory, and continued till the latter end of the ſixteenth century, rendered the wiles of power leſs intricate; but at the ſame time it occaſioned in the people an aptneſs to put a dangerous confidence in their princes: Thus, when the violence of Henry VIII. had wreſted the eccleſiaſtical juriſdiction over this country from the Roman pontiff, the people readily ſubmitted to the crown of England's being veſted with that large addition of prerogative; and regal authority attained without difficulty the ſupreme power in all affairs relative to the government of the church, and the conſcience of the ſubject.

Though the Engliſh people had long groaned under the oppreſſive tyranny of the ſee of Rome, yet this in latter years had become more moderate in its effects: Many ſtatutes had been made to defend the people againſt the inordinate claims of this ſpiritual prince; and by theſe

ſtatutes

ſtatutes individuals were in a great meaſure protected both in their perſons and property: But when the ſame pretenſions were united to the coercive power of civil magiſtracy, it appeared with all its former terrors, and became in reality the comprehenſive engine of regal deſpotiſm. This diſadvantageous change could not but be ſeverely felt in the moſt early periods of its eſtabliſhment, though the reſentment had been ſuppreſſed by the zeal which at that time prevailed for reforming the doctrine of the church, and for emancipating the nation from foreign juriſdiction. This zeal was not ſubſided when the reformers met with a ſevere check by the ſucceſſion of Mary, that bigoted Papiſt, who reſtored to the pope his authority, and reinſtated the Catholics in the adminiſtration. The ſeverities the Proteſtants ſuffered under this government eraſed from their minds every impreſſion of evil leſs dreadful than that of a general and mercileſs perſecution: Thus, when Elizabeth, who profeſſed their principles and faith, poſſeſſed the regal dignity, they unanimouſly agreed to arm her with full powers to ſuppreſs oppoſition; and the High-commiſſion court was re-erected in the very beginning of her reign. This was the ſupreme eccleſiaſtical tribunal, and was immediately under the direction of the crown. A conformity of religion was exacted through the whole kingdom, and every refuſal of the ceremonies then eſtabliſhed was liable to be chaſtiſed by this court with deprivation, fines, confiſcations, and impriſonment. Any word or writing which tended towards ſchiſm or ſedition was puniſhable by the High-commiſſioners, or any three of them; they were the judges what expreſſions had that tendency. Theſe inquiſitors were not limited to Hume.

proceed by legal information; rumor, ſuſpicion, were ſufficient grounds. To the party cited before them they adminiſtred an oath, by which they were bound to anſwer any queſtion which ſhould be propounded to them; this oath could not be evaded by any pretext, and a refuſal incurred the puniſhment of impriſonment. The power of the Star-chamber, in civil matters, was as arbitrary as that of the High-commiſſion court in eccleſiaſtical: Its authority was carried to this height by Henry VII. the firſt of the Tudor line. Nor was arbitrary juriſdiction the only enſign of deſpotiſm which was attached to the monarchy of England: The diſpenſing power, the power of impriſonment, of exacting forced loans and benevolence, of preſſing and quartering ſoldiers, of erecting monopolies, had been all exerciſed in their turns by the ſeveral ſovereigns who preceded the acceſſion of the Stewart family *. No wonder, therefore, that James united his darling idea of government to circumſtances which appeared ſo entirely conformable to it. This appearance proved a deceitful one: Parliaments, viz. a right in the people of aſſembling

* So extenſive was the authority of the monarchy at the acceſſion of James, that Elizabeth had appointed commiſſioners for the inſpection of priſons, with full diſcretionary powers to adjuſt all differences between priſoners and their creditors, to compound debts, and give liberty to ſuch debtors as they found honeſt, and incapable of making full payment. This commiſſion James renewed in the fifteenth year of his reign. *Hume.*

We find alſo another extraordinary act of power exerciſed by this King: On the erecting a new wall at his palace at Theobalds, a commiſſion was given to a certain number of domeſtics to preſs into his ſervice as many workmen as ſhould be ſufficient to complete the work in a ſhort time, and to ſeize by force bricks, carts, tools, and every neceſſary material. *Rymer's Fœdera.*

by

by repreſentatives, to aſſiſt at the making new laws, the aboliſhing old ones, or to give an aſſent or negative to extraordinary levies of money, a precious privilege, which the people had yet preſerved from the ruins of the Gothic conſtitution, had in it many latent reſources to preſerve Liberty, which had given way, though not entirely yielded, to the encroachment of ſucceſsful tyranny.

Cauſes of the change of government under the Stewart family.

When James took poſſeſſion of the reins of government, the opportunity to exert its rights with redoubled vigor was approaching; thoſe circumſtances which proved favorable to the criminal ambition of the Tudors were either feeble, or no longer exiſted; the apprehenſion of ſuffering religious perſecution was converted into the dread of ſinking into civil ſlavery: The formidable impreſſion of domeſtic broils, which the bloody wars between the houſes of York and Lancaſter had occaſioned, was now, by a long interval of peace, eraſed from the mind of the public. The Proteſtants beheld with the utmoſt regret themſelves and poſterity ſubject to a power which they had raiſed for the purpoſe of cruſhing their enemies; the lights which men had obtained from a diſquiſition into theological tenets, and the doctrine of eccleſiaſtical ſubjection, had enabled them to judge more rationally of the nature and end of civil ſubordination. Paſſive obedience to princes, that notion which, through the darker ages of the world, had been efficaciouſly inculcated into the minds of the ſubject, began to be treated with a ſcepticiſm which produced an entire revolution in the opinions of the intelligent. Elizabeth ſaw and felt this change; had life and empire continued, ſhe would undoubtedly have ſuſtained the mortification of beholding an entire

alteration in the conduct of the Commons, who had hitherto ſervilely complied with her imperious will. The ſhort-ſighted James was unable to account for the inconſiſtence he found between the theoretical and practical government of England; whilſt the ſervility of the nobles confirmed him in the idea that he was in actual poſſeſſion of a deſpotic power, the determined oppoſition of the Commons prevented him from bringing that idea to reality; a ſmall degree of accuracy would have reconciled the ſeeming contradiction. Even in that early period it might have been diſcerned, that noble principles had taken deep root in the minds of the Engliſh people; that the progreſs of more enlightened reaſon would bring theſe to perfection; and the harveſt of ſuch fruit muſt infallibly produce an important change in the manner and conſtitution of the government.

The revolution in the Low Countries did not a little contribute to haſten ſuch a diſpoſition: The hearts of the Engliſh were fired with ſympathetic virtue, at the example of that brave and reſolute people, happily emerged from a ſtate of ſervitude to a ſtate of flouriſhing freedom. The revival of letters co-operated with theſe cauſes, to effect an alteration in the modes of thinking of the Engliſh nation. Thoſe models of human glory, the hiſtories of Greece and Rome, excited all to admire, the virtuous to a deſire of imitation; and, whilſt the compoſition of the antients delighted the taſte, their ſcience and precepts enlarged the mind, corrected the judgment, and improved the heart; whilſt the theory of ancient politics became the ſtudy of the judicious learned, the recent ſucceſs of the Dutch ſtimulated them with deſire, and even diſtant hopes,

of

of putting that theory into practice. It muſt be acknowledged that theſe exalted ſchemes were not univerſally adopted; they were entirely confined to the men of letters, and of theſe to the moſt virtuous kind: But the ſimplicity of manners which preceded this age, and that eager appetite for learning which accompanied its revival, occaſioned their number to be extenſive, when compared to the productions of modern times. It cannot be imagined that that ſtiff oppoſition, which appeared in all the parliaments throughout this reign, was directed by leaders who would have been ſatisfied with a temporary redreſs of grievances, or rather who would not have made uſe of all the advantages which offered to have enlarged to the utmoſt the ſyſtem of Liberty. The completion of this was left to the more ſucceſsful heroes of the following period, notwithſtanding it had made a greater progreſs in this reign than was apparent; and the weak and abſurd adminiſtration and conduct of the Stewart family ripened the execution of ſchemes which might more ſucceſsfully have taken place, when time, with literature, had entirely diſpelled that cloud of groſs ſuperſtition which had long involved the European world. The continual complaints which the Commons in parliament preferred to James, on the enormities which proceeded from the arbitrary ſyſtem of judicature ſubſiſting at his acceſſion, in ſome meaſure checked that tyrannical uſe of it which had been practiſed by Elizabeth. It has been mentioned by an ingenious hiſtorian, with an intention to do credit to this monarch, that the puniſhments inflicted by the High-commiſſioners during his reign were infinitely leſs in number, and thoſe

more

more mild, than they had been under the adminiſtration of Elizabeth. Deprivations, fines, confiſcation, and impriſonments, were judgments which then continually iſſued from this court: deprivation was the higheſt puniſhment inflicted in the time of her ſucceſſor.

A long ſuſpenſion from warlike exerciſes, though baneful to a luxurious ſtate, was, to the people of England, an advantageous circumſtance. A foreign war might have diverted them from an attention to domeſtic evils; and their manners were not at this time ſo effeminate as to endanger an attachment to an inglorious inactivity; idleneſs, ſervility, and their concomitant vices, were, in theſe happy days, only to be found among the ſervants and followers of the court. Candor, valor, integrity, a ſpirit of independence, and every other maſculine virtue, were poſſeſſed in a high degree by the Commons of England, viz. of the male ſex; whilſt chaſtity, modeſty, and induſtry, were the general characteriſtics of the females.

State of trade.

Peace alſo was favorable to commerce; it is acknowledged by all hiſtorians, that trade increaſed much in this reign. The vigorous meaſures of the parliament heightened this circumſtance by freeing it from ſeveral monopolies, an impoſition with which it had been much fettered by Elizabeth *. It was in James's reign that

* Trade had been ſo much fettered by this arbitrary princeſs, that when James came to the throne of England the whole commerce of this country was centered in London: Its cuſtoms amounted to 110,000 l. per year; whilſt thoſe of all the other ports in the kingdom yielded only 17,000 l. The whole trade of London was alſo confined to two hundred citizens. The committee appointed to examine this grievance inſiſted on it as an avowed fact, that ſhipping and

ſeamen

Engliſh colonies began to flouriſh in America. A board of trade was erected by this King, to examine the efficacy of expedients which were propoſed for the advantage of commerce. Agriculture, which was formerly imperfect in England, a moſt uſeful employment, rendered illuſtrious by the virtue of its followers *, received great improvement in this time, and the nation began to be more independant on foreign produce for their daily ſuſtenance.

James's yearly revenue was 450,000 l. the ſubſidies which were granted him by the Commons and the clergy, money paid him by the States and the king of France †, with the ſums he raiſed by extraordinary and illegal methods, amounted in the whole to 2,193,374 l.; which, divided into twenty-two equal portions, and added to his ordinary revenue, make an annual income of nearly 550,000 l. ‡, a trifling ſum when compared to the modern expences of government §: But the inhabitants of this iſland were then free from the incumbrance, danger,

State of the finances.

Abſtract, or brief declaration, of the ſtate of his majeſty's revenue, with the aſſignations and defalcations upon the ſame. Lond. 1692.

ſeamen had ſenſibly decayed during all Elizabeth's reign. *Hume*, 4to. vol. I. p. 16, *& ſeq.*

* The practice of huſbandry, even to manual labor, was exerciſed by every rank of the Roman people, in the virtuous times of that illuſtrious republic.

† The ſum of 60,000 l. due from Henry IV. to Elizabeth.

‡ To this account of the revenue may be added tonnage and poundage: the ſum this tax brought in has never yet been calculated; the increaſe of trade, and the exorbitant impoſitions which were laid on merchandize in this reign, made it very conſiderable.

§ The difference of the valuation of money may be thought an objection to the compariſon; but, according to Mr. Hume's account of the prices which ſeveral of the neceſſaries of life bore in theſe days, the difference is not ſo very great as has been generally imagined.

and

and charge of a ſtanding army. The only burthen which the ſubjects bore was the ſupplying the luxury, parade, and prodigality of the court; and this was obtained from them by methods fraudulent and violent, diſallowed by the legal forms of the conſtitution. They were defended from the evil of being oppreſſively taxed, under pretence of public utility, by the indefatigable diligence and ſturdy oppoſition of their repreſentatives in parliament, the guardians of the common weal.

THE HISTORY OF ENGLAND.

CHARLES I.

CHAP. I.

Acceſſion of Charles.——His marriage.——A parliament at Weſtminſter.——Second ſeſſion of parliament at Oxford.——Naval expedition againſt Spain.——Third ſeſſion of parliament.——Impeachment of Buckingham.——Diſſolution of the parliament.

NO ſooner had death cloſed the ſcene of empire to James, than his ſon Charles, inveſted with the reins of government, began his career with an impetuoſity which left unregarded the forms of filial piety, or that decent ſhew of ſorrow commonly practiſed on the joyful occaſion of ſucceſſion. The three points of ſettling the houſhold, calling a parliament, ſending diſpatches to haſten the marriage, were determined the very day after the late King's deceaſe. In a conſultation on theſe ſubjects, Williams, the lord-keeper, began to feel the ſtorm which had long lowered on his patron's brow: His

Anno 1625. Acceſſion of Charles.

Hacket's Life of Williams, 8vo. p. 108, & ſeq.

Anno 1625. His officious advice was diſregarded, and a ſmall requeſt he made of a promotion for two of his domeſtics unanſwered.

Charles was ſo forward to meet a parliament, that he propoſed to wave the form of calling a new one, and to continue the laſt. Williams ſhewed that this was contrary to order, and that the parliament was diſſolved with the death of the King. On being directed to diſpatch writs from the Chancery, and not to loſe a day, he ſet forth the conveniency of giving time for the King's ſervants and creatures to procure a promiſe for their elections, before the preciſe time of a following parliament was publiſhed. This interfering was treated with diſapprobation; and Williams, on his return home, had the mortification of hearing that Buckingham had threatened to turn him out of his office. This would immediately have enſued, if the favorite's preſent hurry of affairs had permitted him to attend to ſuch a trifling circumſtance. His power and influence were, if poſſible, more extenſive than they had been during the late reign: The charge of the war with Spain, the King's marriage, and the ſole direction of the adminiſtration, were centered in himſelf; and his levity and vanity excited him to bring the queen from France, who was

May 1. eſpouſed * there in the King's name by the duke de Chevreuſe †. On this occaſion Charles gave a ſpecimen of his intended government, by iſſuing out a pardon to twenty Romiſh prieſts, who had been convicted on acts of parliament. This was followed by an order to the lord-keeper, in con-

* This eſpouſal was made before James's obſequies were performed.

† The duke de Chevreuſe was of the houſe of Guiſe, and of kin to Charles.

ſequence of advice from Buckingham, to give warrants to judges, juſtices, and officers ſpiritual and temporal, to forbear all manner of proceedings againſt recuſants. His next act of regal authority was to raiſe twelve thouſand men * for the recovery of the Palatinate, at the expence of coat and conduct-money to the country, which was to be repaid by the Exchequer in four years. The legality of this meaſure, and a proclamation to put the martial law in execution during the repair of theſe troops to Plymouth, was not eaſily acceded to by the judges, among whom it had occaſioned long debates. Anno 1625.

The parliament, which had been ſummoned for the ſeventh of May, was prorogued till the eighteenth of June, on account of the arrival of the queen from France, whoſe nuptials had been there celebrated with the higheſt degree of royal parade. She was received by Charles with equal pomp, though part of the ceremony was by neceſſity curtailed, on account of a plague which raged with great violence in the city of London and its neighborhood. His marriage.

Charles repreſented to the parliament the neceſſity he thought they lay under to grant a large ſupply for carrying on the war in Germany †. This was farther urged by the lord-keeper Williams, who, taking up the ſpeech where the King had ended, ſhewed that the King's main reaſon for calling the parliament was to mind them of the great engagements for the recovery Parliament. Ruſhworth, vol. I. p. 171, & ſeq.

* Two thouſand of theſe were ſent into Holland, to be replaced by the ſame number of old ſoldiers from thence.

† In the ſpeech Charles made on this occaſion he tells the Commons, "That he was brought up at the feet of Gamaliel; and therefore there was no doubt but he would be a keeper and maintainer of the true religion."

of

Anno 1625. of the Palatinate impoſed on his majeſty by the late King his father, and by themſelves, who broke off the treaties with Spain; to let them underſtand that the ſucceeding treaties and alliances, the armies ſent into the Low-Countries, the repairing the forts, and the fortifying Ireland, did all meet in one centre, the Palatinate; and that the ſubſidies granted in the laſt parliament for theſe purpoſes were already ſpent, with as much more of the King's own revenue. Though the Commons harped upon grievances not redreſſed, and demanded an account of the laſt money granted for the recovery of the Palatinate, yet the danger of keeping long together, by reaſon of the raging plague *, and an unwillingneſs to give a total denial to the requeſt of their young King, determined them to grant two ſubſidies. They then petitioned a receſs from parliament, on account of the ſicklineſs of the ſeaſon. On this conſideration they were adjourned, to meet on the firſt of Auguſt at Oxford †.

Parliament adjourned.

It is evident from the ſmallneſs of their ſupply at a period ſo peculiarly intereſting, that they had already entertained a ſtrong jealouſy of the preſent government, or rather that they perceived the ſame errors, vices, and follies, rooted in Charles, which had given riſe to the numerous grievances of the laſt reign; and with this diſadvantageous difference, that the vigor of youth might render the bad qualities of the ſon more perniciouſly active than were the like vices in the heavy and paſſive diſpoſition of the father. No

* This plague carried off more inhabitants than that which happened in the year 1603, at the acceſſion of James.

† According to the cuſtom of ſeveral late parliaments, the firſt buſineſs which had been done in the houſe was to appoint a ſolemn faſt.

change

change had appeared in the adminiſtration ſince the death of James: Charles had the ſame favorite, the ſame council, the ſame miniſters, and all the offices of the kingdom continued in the hands of Buckingham's creatures, whoſe favor with the late monarch had been little in compariſon to what he enjoyed with the preſent. Charles, at his acceſſion to the crown, found his coffers empty, a large debt upon his revenue, with the additional burthen of an expenſive war. Notwithſtanding theſe unfavorable circumſtances, he entertained the project of entirely ſubduing that ſpirit of Liberty which had already formed a ſtrong party in the nation, and of ſettling on firm foundations a more unlimited authority than had been practiſed by any of his predeceſſors. Money was neceſſary for ſuch an undertaking: This he fondly imagined could be eaſily obtained from the Commons, by the pretence of ſo popular a cauſe as the Palatinate-war. But he had to deal with an aſſembly, compoſed of individuals aptly culled for the important charge of defending the ſacred rights of humanity. It was with aſtoniſhment and indignation they heard their King call upon them for the performance of engagements, the conditions of which had been notoriouſly violated by himſelf and father. It was well underſtood, that the Commons of England had no national antipathy to Spain: tyranny, and its ſupporter Popery, were the objects they engaged themſelves to oppoſe; for this, and this only reaſon, they had joined with the favorite in breaking the connections with that court. They now found that the zeal of Charles and Buckingham ſprang from a particular pique towards Spain; that they had contracted an alliance with a court equally noxious, and from Anno 1625.

Anno 1625. which more was to be apprehended by reaſon of its vicinity; that the public appearance of prieſts in their veſtments, and the diſpenſation of penal laws againſt recuſants, realized the evils only apprehended from the Spaniſh match *. Nor was it without a diſdainful reſentment that this very reſpectable part of the legiſlature found their underſtandings inſulted by a raw unexperienced King, and a contemptible miniſter. The mean colluſion practiſed by the crown laſt parliament, to obtain an extraordinary ſupply, and the bad management of its firſt military attempt, convinced the Commons that the miniſtry were not to be truſted with ſo important a buſineſs as war; and the ſpeech of the lord-keeper, which repreſented that not only the ſubſidies were already ſpent, but the revenue in debt, did not a little contribute to confirm them in this opinion.

At the very time when Charles was pleading neceſſity to the Commons in parliament, he was launching out into profuſe and vain expences: His ambaſſadors, Carliſle and Holland, were maintained at a great charge, to vie with the gaudy magnificence of the French; and the parade with which the queen was conducted home by Buckingham, ſuited rather the circumſtances of an Eaſtern monarch, than the more decent dignity of a limited prince.

The moderation the Commons ſhewed this ſeſſion of parliament, in circumſtances thus provoking and intereſting, is one of the remarkable inſtances of that policy, temper, and ſagacity,

* A chapel at Somerſet-houſe had been built for the queen and her family, with conveniencies thereunto adjoining for capuchin-friars, who were therein placed, and had permiſſion to walk abroad in their religious habits. *Ruſhworth*, vol. I. p. 171.

with

with which the councils of this aſſembly were directed. But before their re-meeting at Oxford an incident had happened which would have rendered this moderation a puſillanimous and baſe deſertion of the particular intereſt of their country, and the more general cauſe of Liberty and Religion. The French miniſtry had cajoled James into a promiſe to furniſh Lewis with one ſhip of war and ſeven armed merchant-ſhips, to be employed againſt the Genoeſe. Buckingham, who was at this time warmly attached to the court of France, prevailed on Charles to lend theſe ſhips to be uſed at the ſiege of Rochelle, where they were to be filled with French ſoldiers and mariners, to be commanded by the duke de Montmorency. No ſooner was this intention known than the whole crew mutinied. Vice-admiral Pennington, who had received particular orders from the favorite, would not apprehend them in this ſenſe; notwithſtanding repeated menaces and promiſes from the French, he refuſed to deliver up the ſhips, and ſailed back again to the Downs. The Rochellers were alarmed, and ſent over agents to ſolicit their detention; but Charles, taking the whole affair upon himſelf, ſent expreſs orders to Pennington to deliver up his own ſhip, and all the merchant-ſhips, with their furniture, to the French king's miniſters. Authority alone was not ſufficient to engage the commanders in an action ſo repugnant to conſcience and honor; Buckingham had recourſe to art and deceit: A rumor was ſpread that peace had been concluded between the French king and his Proteſtant ſubjects. On the diſcovery of the fraud, the captains of the merchant-ſhips maintained that the King had no right to diſpoſe of their property, and prepared to ſail away; but

Anno 1625.

Ruſhworth, vol. 1. p. 174, & ſeq. Whitlock, fol. ed. 1682, p. 2.

Anno 1625. Pennington, who could no longer plead a miſunderſtanding of his orders, fired to bring them to *. The brave Sir Ferdinando Gorges broke through, and returned to England. The remaining ſhips were delivered to the French; all the officers and ſailors, notwithſtanding great offers made them, immediately deſerted; not an individual among a crew of that licentious claſs of men, one gunner excepted, was found diſſolute enough to ſerve againſt their diſtreſſed brethren the French hugonots. The miſcreant was afterwards killed in charging a cannon before Rochelle: An incident ſo juſt and opportune, though a frivolous one, gave ſatisfaction to the whole nation. This black tranſaction entirely diſſipated that fond popularity which every monarch obtains from the vulgar in the beginning of his government.

Parliament at Oxford. On the firſt of Auguſt, according to the appointed time of their adjournment, the parliament met at Oxford. The Commons renewed their complaints againſt the illegal ſcreening of recuſants. Sir Edward Giles produced a liſt of ſix prieſts, for whom, he ſaid, he had ſeen a pardon, bearing date July the twelfth, the very day after his majeſty had, as well by his own mouth as by the lord-keeper's, vouchſafed to return them ſuch an anſwer to a petition for the ſuppreſſing of Popery, as gave them aſſurance for his performance thereof. This complaint, in a conference † between the two houſes, was anſwer-

* In a letter from ſecretary Conway he was commanded to uſe all forcible means to compel them, even to ſinking.

† On this conference the Commons ordered, "That, as the ſpeaker and the whole houſe went up, if the Lords kept bare, to do the ſame; if they covered, then the ſpeaker and the reſt to do the ſame." *Parl. Hiſt.* vol. VI. p. 373.

ed

ed by Williams; who affirmed, that he had received the pardon long before its date, but that he had deferred ſealing it, in hopes that on the departure of the ambaſſadors, it might have been ſtopped; but that he having received a ſecond command, ſealed it at the next general ſeal. Williams likewiſe added, "That he wiſhed a petition might be preſented to the King to ſtay the like pardons hereafter." Charles, ſeeing that the Commons were engaged on the inexhauſtible topic of grievances, without ſhewing any inclination to enter into the only buſineſs for which they had been ſummoned, ſent for them to the great hall at Chriſt-church, where he again inſiſted on their engagements to give their utmoſt aſſiſtance towards carrying on the war with vigor *. Lord Conway and Sir John Cook, the two ſecretaries, enlarged upon this ſubject; withal acquainting the houſes of the paſt and preſent ſtate of continental affairs, with the money the crown had already expended on the war; that the charges of an army had appeared in parliament to be 700,000 l. a year; beſides Ireland was to be fortified; the forts here repaired, and the navy reinſtated. Then the lord-treaſurer † added, that the late King, when he died, was indebted to the city of London 120,000 l. beſides intereſt; for Denmark and the Palatinate 150,000 l. for his wardrobe 40,000 l.; that theſe debts lay upon his preſent majeſty, who is indebted unto London 70,000 l. which he hath laid out for his navy, and for count Mansfeldt 40,000 l. for Anno 1625

* Charles began this ſpeech with the following unpopular, not to ſay rude, addreſs to the lower houſe: "My Lords, and You of the Commons."

† This was lord Ley, ſome time before lord-chief juſtice of the King's-Bench.

Anno 1625. mourning and funeral expences 42,000 l. for expences concerning the queen 40,000 l. and the navy would require to ſet it forth in the equipage which was requiſite for the great deſign his majeſty had in hand 300,000 l. When the houſe proceeded to take into conſideration the King's ſpeech, and the ſubſequent accounts, the officers and creatures of the crown alone moved for a ſupply; the reſt of the aſſembly fell into high debates. Sir S. Weſton moved to enquire into the cauſe of the ſupply deſired, and the enemy againſt whom the preparations were deſtined; that the eſtates of the Papiſts who contributed to the enemy might be ſpecially reſpected to ſupply the King. Sir Francis Seymour moved for a ſelect committee to draw up a petition to the King, comprehending the heads of thoſe things which the houſe ſhould thing proper to inform him in. Sir Edward Coke urged, that the neceſſities of the crown came by improvidence; that there was a leak in the government, of which leak ſuch as theſe were the cauſes: Frauds in the cuſtoms, treaty about the Spaniſh match, new-invented offices with large fees, old unprofitable offices which the King might juſtly take away with the love of his people and his own honor, the preſidentſhip of York and Wales, multiplicity of offices in one man, new tables kept in the King's houſhold, made the leakage the greater, voluntary annuities and penſions, which ought to be ſtopped till the King was out of debt, and able to pay; laſtly, that all unneceſſary charges, coſtly diet, apparel, building, &c. increaſed the leakage; that underſtanding officers ſhould be employed in the King's houſe to reduce it to its antient form; that the great offices for the defence of the king-

Journals of Commons. vol. I. p. 810. & ſeq.

dom

dom ſhould be put into the hands of able men, who have experience, ſuch as admiralty-places, and others. Anno 1625.

Sir Nathaniel Rich ſaid, "That they ought not to refuſe to give; but before they gave to repreſent their wants to the King: Firſt, for religion, to have his majeſty's anſwer in full parliament, and then enrolled: next, to know the enemy againſt whom war was to be made; the neceſſity of an adviſed council for governing the great affairs of the kingdom; the neceſſity of looking into the King's revenue; to have his majeſty's anſwer concerning impoſitions on wines: And though the time was not now fit for the deciſion of all theſe points, yet a ſelect committee to be appointed to ſet down the heads of them, and then to have the King's anſwer to them in parliament. The doing of this, added he, is no capitulation with his majeſty, but an ordinary parliamentary courſe, as in the twenty-ſecond of Edward III. and without it the commonwealth can neither ſupply the King, nor ſubſiſt." Parl. Hiſt. vol. VI. p. 365, & ſeq.

In this debate Sir Robert Cotton made a long ſpeech, in which he quoted the examples of paſt times to ſhew that want of œconomy in the crown had ever met with a ſevere cenſure from the parliament, and that thoſe miniſters who had helped to waſte the public treaſure had never eſcaped with impunity: "I am glad, concluded he, that we have neither juſt cauſe, nor undutiful diſpoſitions, to appoint the King a council to redreſs thoſe errors in parliament, as in the forty-ſecond of Edward III. &c. &c. We only in loyal duty offer up our humble deſires, that ſince his majeſty hath, with adviſed judgment, elected wiſe, religious, and worthy ſervants, to attend him in his high employment, he will be

Anno 1625. pleaſed to adviſe with them together a way of remedy for thoſe diſaſters in ſtate brought on by long ſecurity and happy peace, and not to be led by young and ſingle counſel."

Sir George More preſſed for a committee; alledged that they were all bound in duty not to graft ſubſidy upon ſubſidy in one parliament. Sir George Goring moved, that the duke of Buckingham might be of the committee, to give ſatisfaction on any aſperſions which might be caſt upon him. Others argued againſt granting any ſupply before grievances were redreſſed; that the ordinary revenue ought to defray the ordinary expence of the crown; that the King ought to contribute to help the Palatinate's cauſe with his own eſtate; that the time of year was too far ſpent for the fleet to go out to ſervice; that enquiry ought to be made whether the duke broke not the match with Spain out of ſpleen and malice to the condé Olivares, whether he made not the match with France upon harder terms, and whether the ſhips employed againſt Rochelle were not maintained with the ſubſidies given for the Palatinate *? that an enquiry be made to know by what counſels the preſent deſigns are begun, where the fleet is to go? and Sir Robert Manſel † to give his opinion of the intended expedition. Many reflections paſt upon the miſcarriages of the duke in his ſeveral offices ‡. The reſolutions of the houſe were, that

Ruſhworth, vol. I. p. 180.

* Some of theſe ſevere hints are only to be found in Ruſhworth; but there is no doubt of their having been flung out in parliament, as they are all noticed in a long ſpeech of the duke of Buckingham.

† Sir Robert Manſel was a ſea-commander of reputation, and had been employed with ſucceſs in the naval expeditions in James's time.

‡ It was complained that pirates infeſted the ſeas, and that the protection of commerce was neglected.

religion

religion ſhould have the firſt place in their debates, next the kingdom's ſafety, and then ſupplies. In conſequence of this reſolution, a long petition was ſent up, ſetting forth the dangerous ſtate of religion, and the remedies for the increaſing evil. Charles gave a gracious anſwer to every clauſe of the petition, with large promiſes that all the grievances complained of ſhould be redreſſed; and Buckingham, who imagined that the heat of oppoſition would be allayed by this condeſcenſion, made a long and florid ſpeech, in which he repreſented the preſent ſtate of the war, and anſwered the ſeveral objections which had been flung out by the Commons *. The lord-treaſurer then produced a paper in which he had ſet down the conditions of the King's eſtate: 1. His debts; 2. The eſtate the King now ſtands in; 3. How it will be for the future. Anno 1625. Parl. Hiſt. vol. VI. p. 394, & ſeq.

"His debts to the city of London, and ſome gentlemen, borrowed upon privy-ſeals and lords bonds, were 120,000 l. to the wardrobe 40,000 l. to the king of Denmark 75,000 l. and the intereſt; arrears for penſions a large ſum; to his houſhold a large ſum.

"The anticipations made by the late King before they were due came to 50,000 l.

"His engagements were for the pay of ſix

* To the objection that the eight ſhips lent to the French king were paid with the ſubſidy-money, and employed againſt the Rochellers, he anſwered, "That thoſe eight ſhips were maintained at the charge of the French king;" and added, "It is not always fit for kings to give account of their councils; judge the thing by the event."

This anſwer, which owns that both courts were in the ſecret that the ſhips were to ſerve againſt Rochelle, greatly inflamed the reſentment the Commons had conceived againſt the miniſtry.

thouſand

Ann. 1625. thousand foot in the Low-Countries; of ten thousand foot under count Mansfeldt; and for the rigging, victualing, and providing the navy, not the like in the memory of this time.

"Concerning the estate of the King, as it now stands, his father's debts, anticipations, and engagements laid ill upon him; his own debts, as prince, came to 70,000 l. at the least. The King's estate, for the future, as in charges of continuance, consisted of ten articles: 1. Of debts unpaid, and interest; 2. old anticipations of 50,000 l.; 3. anticipations of new 200,000 l.; taken up by himself; 4. to the king of Denmark 30,000 l.; 5. to count Mansfeldt 20,000 l.; 6. to the Dutch 8000 l.: 7. to Ireland 2600 l.; 8. the queen's allowance and diet 37,000 l.; 9. to the king and queen of Bohemia 20,000 l. *per ann.*; 10. preparations for defence of the realm, and seconding the navy."

After reading this account the lord-treasurer alledged, that certain sums were omitted because they were not yet calculated; that no total was cast up, because he had no auditor: he promised that himself, or his subordinate officers, should be ready to give satisfaction to all or any of the particulars. This minute detail demonstrated to the Commons the folly of a Spanish war at this juncture; and, by exposing the extreme necessities of the crown, pointed out the favorable opportunity of limiting the exorbitant power it had assumed, by methods constitutional and feasible. They had shewn great satisfaction at the King's answer to their petition on religious grievances; yet, in the essential matter of supply, they were so little swayed by empty promises, that though Charles condescended to ask two fifteenths, the

Journals of Commons, vol. I. p. 814, & seq.

value

value of 40,000 l. the Commons peremptorily refuſed to ſet ſo bad a precedent as to give twice in one ſeſſion of parliament. Sir Robert Philips ſaid that the arguments for giving were honor, neceſſity, and ſafety, not honorable actions grounded upon ſound counſels; that neceſſity had been the continual argument for ſupply in all parliaments. Sir Francis Seymour ſaid, it was ſtrange that the commons ſhould be called together only for a ſupply of 40,000 l.; it ſhewed the King's neceſſities; that 140,000 l. had been raiſed by places of honor ſold, places of juſtice were ſold, and ſerjeants' places ſold. Sir Thomas Wentworth ſaid, he feared the paſſing this precedent for ſo ſmall a ſum was to take advantage of it for a greater hereafter. Mr. Rolle argued, that if the neceſſity of money was ſo great, now was the time to preſs for a redreſs of grievances. Sir Edward Coke quoted precedents of puniſhment inflicted on evil counſellors; ſaid, it was *malum conſilium* to preſs more ſubſidies, when two had been already given; and added, that he would rather give one thouſand pounds out of his own eſtate, than to grant any ſubſidy now. Anno 1625.

On the day after this debate, the houſe went upon a complaint againſt Sir Francis Stewart, an admiral, for ſuffering a pirate to take an Engliſh ſhip before his face; that to ſome merchants, who had deſired him to go out and chace the pirate, he anſwered, his commiſſion was not to go on the French coaſt, where he conceived the pirate lay; that in concluſion, though he was offered great ſums of money, or half the goods in the ſhip, he ſtill refuſed to go. On this report Sir Francis Seymour ſaid, that the lord-admiral Buckingham had the care of theſe things, therefore

Anno 1625. fore the default muſt needs be in him and his agents, and moved for a committee to conſider of the cauſes thereof, and where the default lay. Mr. Liſter mentioned the wrongs done to the Engliſh trade by Dunkirkers; and therefore moved, that the committee to be appointed, might in a general way conſider of this, and the ſafety of all the ſea-ports. This being agreed to, a committee of the whole houſe was appointed to take theſe matters into conſideration, and they to have power to name a ſub-committee.

Charles, underſtanding by theſe arguments and reſolutions, that the houſe was determined againſt a ſupply without an effectual reformation in the government, with a raſh impetuoſity diſſolved the parliament *; adding thereby to the diſtaſte of the people, who were before ſtrongly diſguſted with his unpopular management. The Com-

Diſſolution of parliament.

* Acts paſſed this parliament.

1. An act for puniſhing divers abuſes committed on the Lord's Day, commonly called Sunday.

2. An act to enable the King to make leaſes of lands, parcel of the duchy of Cornwall.

3. An act for the eaſe of obtaining licences of alienation, and in the pleading of alienations with licence, or of pardons of alienations without licence, in the court of Exchequer, or elſewhere.

4. An act to reſtrain tippling in inns and alehouſes.

5. An act for three entire ſubſidies granted by the ſpirituality.

6. An act for two entire ſubſidies granted by the temporality.

7. An act that this ſeſſion of parliament ſhall not determine by his majeſty's aſſent to this and ſome other acts.

8. An act to confirm an agreement between the King and the copy-holders of Macclesfield in Com. Ceſtr. &c.

9. An act for the ſettlement of an agreement of the tenants of Chelvenham and Aſhly, alias Charlton, between the King and Sir Giles Greval, knight. *Vide Statutes at Large*, and *Ruſhworth*.

mons

mons, who had been made acquainted with the intentions of the court, formed themſelves into a grand committee, and before they would ſuffer the King's meſſenger to be introduced, drew up a proteſtation of their honeſt alacrity to do their utmoſt endeavor to diſcover and reform the abuſes of the ſtate, and in like ſort to afford all neceſſary ſupply to the juſt occaſions and deſigns of the crown. Anno 1625. Echard.

A proſecution againſt one Mountague, a court chaplain, had been purſued by the Commons this parliament with ſome eagerneſs. The buſineſs appears a trifling one, but it carried with it ſome important conſequences which ſufficiently juſtify the warmth with which it was purſued. Mountague had publiſhed a book tending to Arminianiſm: for this he had been rewarded by court-preferment, notwithſtanding the parliament, in the latter end of the laſt reign, had queſtioned his conduct, and afterwards referred it to the archbiſhop of Canterbury, from whom he had received an admonition.

Montague, who now found himſelf powerfully protected, publiſhed another book, filled with the ſame doctrines, and entitled, "An appeal to Cæſar." For this contempt of the former cenſure of the houſe he was re-queſtioned, and ordered to give bail of two thouſand pounds for his appearance at the next ſeſſion. Charles interfered, and pleaded an exemption for Mountague, as being his chaplain in ordinary, and therefore the houſe had no right to moleſt him. This gave vigor to the fire already kindled, which would have terminated in an impeachment, if the buſineſs had not been diverted by the proſecution of a more glaring and more pernicious offender.

Though

Anno 1625. Though the Arminian tenets had in them no natural relation to high-church or monarchical principles, yet being repugnant to neither, the ſame political end, viz. ſcreening themſelves under the protection of party, which had forced them to an union with the republicans of Holland, connected them cloſely to the abettors of arbitrary power in this country; and they became the warmeſt partizans for tyrannical principles in church and ſtate *. As ſuch, they were always treated with a juſt animoſity by the adverſe faction, and the pretenſions of Charles to exempt the individuals in his ſervice from the national juriſdiction, turned the particular caſe of Mountague to a diſpute of importance. The biſhops had alſo interfered in this cauſe, repreſenting it as an affair which the King alone, by his delegates, had a right to judge of, and that matters of difference in the church ought only to be determined by the King and the biſhops †. The only circumſtance which carries the ap-

* Theſe propoſitions contain the ſubſtance of the Arminian doctrine;

I. God does not in an arbitrary manner predeſtinate any perſon to be ſaved or damned.

II. Chriſt died for all men, that is, all are partakers of the benefit of Chriſt's paſſion, who ſincerely perform the goſpel terms of faith and repentance.

III. How neceſſary ſoever Grace may be towards our doing good actions, yet it is not irreſiſtible; that is, we are ſtill free agents, conſequently the faithful may finally fall away, or depart from a ſtate of grace.

† The biſhops of London, Durham, Wincheſter, Rocheſter, and St. David's, in a letter to the duke of Buckingham, recommended Mountague's book; and ſaid, that his majeſty would do moſt graciouſly to prohibit all parties from ſpeaking or writing againſt it. *MSS. in Br. Muſeum*, n. 7000.

pearance

pearance of an unjuſtifiable exertion in the Commons in theſe proſecutions, is the tyrannical reſtraint they ſeemed deſirous to lay on literature. But it muſt be conſidered that the freedom of the preſs, neceſſary to the exiſtence of Liberty, was a privilege unknown in this age; and whilſt the crown poſſeſſed the power of ſuppreſſing the publication of every argument which claſhed with its pretenſions, the Commons endeavored to attain the ſame means of reſtraining the venomous doctrine broached by its creatures and dependants. Anno 1625.

Before the diſſolution of the parliament, the plague had already infected the city of Oxford, and there was great murmuring that the court ſhould bring them together in ſo ſickly a ſeaſon, when its avowed deſign was only to extort money from the ſubject. The Commons had expreſſed great ſenſe of their danger at the ſeſſion at Weſtminſter, and it was remarked in the houſe, that the bell was tolling every minute they were ſpeaking. Strong as were theſe apprehenſions, the patriot members kept their ground, and with exemplary reſolution gave ſo conſtant an attendance, that their antagoniſts could never obtain the advantages of an undefended cauſe, or a ſcattered party.

The determined reſolution of the Commons not to give any ſupport to the extravagant ſchemes of the King and his miniſter has been repreſented by the enemies of civil Liberty as an indefenſible obſtinacy, contrary to rational or conſtitutional principles; yet it will be found, on an impartial examination, conſiſtent with both. As they abſurdly ſuppoſe that this parliament was obliged, though contrary to the apparent good and ſafety of the ſubject, rigidly to perform all the engagements of the laſt, it will be neceſſary to enquire what

Anno 1625. what theſe engagements were, before they can be condemned. We find that the laſt parliament, though inflamed with the apprehenſion of a cloſe connection with the moſt powerful and moſt bigoted prince in Europe, and deſirous, on any feaſible terms, of breaking an union pernicious to the Religion and Liberty of this country, were ſo wary of truſting a weak prodigal prince, and a vain hot-headed miniſter, with the difficult and expenſive enterprize of regaining a then-confirmed conqueſt from the united powers of the ſame potent family; that James was obliged to ſubmit to the extraordinary condeſcenſion of receiving the military ſupplies from a council of war appointed by the parliament. The mean colluſion which fruſtrated the purpoſe of the condition on which theſe ſubſidies were granted, the imprudent manner of conducting the firſt military enterprize, and the fatal cataſtrophe which enſued, muſt have enforced the ſame parliament to drop a hopeleſs ſcheme which they had engaged no farther to ſupport than was conſiſtent with the advantage and honor of the nation; of which they were to be the judges. If theſe reaſons had been powerful enough to have prevented that parliament from giving farther aſſiſtance, how ſtrongly muſt they have operated with this parliament, when united to the preſent aſpect of affairs? The war was now no longer the war of the people; the abſurd conditions on which Charles had contracted an alliance with the Bourbon family had entirely broke the connection of an united cauſe. The Palatinate quarrel, when diſtinguiſhed from that of Liberty and Religion, was merely private, and confined to the Stewart family. According to the laws of the conſtitution, it could not be ſuppoſed, whatever examples

amples the neceſſity, imbecility, or ignorance, Anno 1625.
of particular times might have produced, that the people were obliged to tax themſelves with extraordinary levies of money, but for their own ſupport and defence; if they ever did, it was only underſtood as a purchaſe for the redreſs of thoſe grievances to which monarchies of all ſtates are the moſt ſubject; and indeed ſuch a privilege is ſo neceſſary to maintain a limited monarchy in due bounds, that it is the only obſtacle which can prevent it from becoming in practice abſolute: "Give money, ſaid the crown, and in due time you ſhall have redreſs of grievance." Was a repreſentative body of the people, ſpecially truſted with the ſacred charge of defending and proſecuting the moſt eſſential rights of the nation, of reforming the errors of government, of redreſſing the injuries of the ſubject, was it lightly to give up the only means whereby ſuch a reformation could be effected? The bare manner in which Charles had expoſed his neceſſities and prodigality proceeded from an abſurd ſuppoſition that the Commons would think themſelves bound in duty to relieve his wants, however imprudently they had been incurred. But this was the fond error of ſelf-flattery, and apparently claſhed with the real duties of their office. The ordinary revenue of the crown was the only fund legally its own; and the neceſſities to which the anticipation or alienation of that revenue would reduce a prodigal prince, was a favorable and fair opportunity to correct the errors of the ſtate, and enlarge and ſecure the liberties of the people. The debts and expences which had been ſtated to the parliament amounted to the ſum of eight hundred thouſand pounds; when, beſides the money which had been laviſhed on the marriage

Anno 1625. and other ſolemnities, Charles had given large ſums to many of his creatures, to the ducheſs of Chevreuſe, and other attendants on the queen.

Charles, not having been able to obtain farther ſupplies from the Commons, had recourſe to the old oppreſſive expedient of forcing a loan from the ſubject. Privy ſeals were iſſued out to all perſons of ſubſtance, and the collectors were appointed to return the names of thoſe who diſcovered a diſpoſition to excuſe the payment of the ſums impoſed. To ſoften this general offence, a proclamation was iſſued for recalling all the children of Engliſh parents who were in foreign ſeminaries, and an order publiſhed for diſarming Popiſh recuſants, according to the petition of the late parliament.

Naval expedition againſt Spain. From the money Charles got by the loan he was enabled to equip his fleet. It conſiſted of eighty ſhips; ten thouſand of the land-forces were embarked to ſerve on the deſtined expedition. The chief command was entruſted to Sir Edward Cecil, lately created viſcount Wimbledon, a creature of Buckingham, to the neglect of Sir Robert Manſel, an old ſea-officer, who was in great eſteem with the people. The next in command to Wimbledon was lord Eſſex. So looſely concerted was the plan of the expedition, that it was not till the rendezvous at Cape St. Vincent, after a ſtorm which had diſperſed the whole fleet, that a council of war was firſt called to determine the ſcene of action. Eſſex was for attacking Cadiz, and carried his opinion by a majority of voices. The length of time which the fleet had been at ſea was ſufficient to put the Spaniards on their guard. Though they found the bay full of ſhips of great value, yet theſe, through the neglect of the commanders,

manders *, were ſuffered to eſcape. The fort of Puntal was attacked by Eſſex, and taken. The poſſeſſion of this fort was of ſo ſmall conſequence, that it was immediately abandoned, and the ſoldiers, having drank plentifully of new wines, became diſeaſed. After this unfortunate beginning, the whole force returned to Cape St. Vincent, to wait for the Spaniſh Plate fleet, which was then on its return from America: But narrowly miſſing it, Wimbledon brought his ſickly crew home †. Anno 1625.

This unſucceſsful ill-conducted attempt encreaſed the clamor againſt the miniſtry; and the diſcontented party enjoyed the triumph of ſeeing their enemies entangled in ſnares which became daily more intricate: A tyrannical government involving itſelf in difficulties which increaſed the importance of the people, whilſt at the ſame time the happy ſituation of the kingdom exempted them from the fears of foreign hoſtilities.

During the courſe of the late expedition, Buckingham and the earl of Holland were ſent to the Hague to negotiate a treaty with the Dutch, and to confer with the ambaſſadors of the kings of Denmark and Sweden, who had joined in the confederacy againſt the houſe of Auſtria. The Dutch had entered heartily into the cauſe, and had lent an aſſiſtance of ſhips to the late expedition. In this congreſs Buckingham not only promiſed great things in his maſter's name, but threw out hints of hopeful expectations on the

* A diſſention between the two commanders, Wimbledon and Eſſex, is ſaid to have occaſioned the prepoſterous management of this buſineſs.

† The contagion had been ſpread by the imprudence of the commander, who obliged every ſhip, not infected, to take a certain number of the ſick for ſound men. *Baker's Chronicle. Howel's Letters.*

Anno 1625. side of France. To supply the present exigencies of the war, he had carried with him the crown jewels, and pawned them in Holland for the sum of 300,000 l. Therefore, when the fleet returned, Charles issued out a proclamation, prohibiting the soldiers from leaving their colours; and trusting to the shallow expedient of nominating * Sir Edward Coke †, Sir Robert Philips, Sir Thomas Wentworth, Sir Francis Seymour, Sir Guy Palmes, Mr. Edward Alford, and Sir William Fleetwood, the leading popular members, to serve as sheriffs in the counties, he again ventured to call a parliament ‡. Before this period Williams had not only been turned out of his office of lord-keeper, but was banished from the council, and commanded to retire to his bishopric of Lincoln.

Guth. p. 840.

Hacket's Life of Williams.

Antecedent to the meeting of the parliament at Oxford, Williams, to remove (if possible) the growing distaste of Buckingham, had officiously informed the King of the enmity which subsisted in the house of Commons against his favorite;

* Such a nomination by custom incapacitated them from serving in parliament.

† Sir Edward Coke objected to several things in the form of the oath given to the sheriffs. This remarkable one against the Lollards was complied with, and, by the advice of the judges, left out, viz. "You shall do all your pains and diligence to destroy and make to cease all manner of heresies commonly called Lollaries, within your bailiwick, from time to time, to all your power, and assist and be helping to all ordinaries and commissioners of the holy church, and favor and maintain them as oftentimes as you shall be required." *Rushworth*, vol. I. p. 197, *& seq.*

‡ When the names of those sheriffs whom the judges had appointed were shewn to the King, he declared, that he had the names of seven whom he would have sheriffs. *Letters and Dispatches of Thomas Earl of Strafford*, fol. ed. 1739, p. 29.

but

but undertook, if the ſeſſion was poſtponed till Chriſtmas, to take off the bitterest ſticklers againſt him. This ſerved only to increaſe Buckingham's jealouſy, who concluded that Williams could not have ſo exact an intelligence, or ſo great an influence as he boaſted, without being a party in the cabal againſt him. His hatred was ſo inflamed by this ſuſpicion, that though precedents of ſuch a nature touched him nearly, in the preſent diſpoſition of the Commons, his agents offered the party in the oppoſition to give his aſſiſtance to the ruin of Williams by a parliamentary proſecution. Hatred to Buckingham ſaved the keeper; who, in the point of paſſing the pardon to the Romiſh prieſts, had had the addreſs, at the expence of his patron, to clear himſelf tolerably well to the Commons. Immediately on the diſſolution of the parliament his diſgrace enſued: He received it with an abjectneſs of ſpirit equal to the ſervility of his deportment during the ſun-ſhine of his favor; and at the very time when he was practiſing with Sir Thomas Wentworth to debauch him from his party and principles, to bring him over to the court. In this place it muſt be remembered, that when the extravagant articles, both private and public, were ſent by Charles from Madrid, James either had, or affected to ſhew, compunctions of conſcience and honor at ſigning articles ſo deſtructive to the weal of the Proteſtant religion; Williams thereupon got up and made a florid ſpeech, in which he ſhewed the King and council that ſo doing was repugnant to neither. On theſe flattering perſuaſions the articles were immediately ſigned, and Williams, in a letter to Madrid, boaſted of the important ſervice he Anno 1625.

Anno 1625. had rendered the prince. The biſhop of Lincoln's great rival and enemy was William Laud, biſhop of St. David's. This prelate, in his ſtation of preſident of St. John's college at Cambridge, had ſignalized himſelf as a turbulent oppoſer of the Puritans, and as a ſtickler for the Arminian principles. He at length obtained the office of court chaplain, and, by a ſedulous attention and compliance with the humors of the favorite, his patronage. When the biſhopric of St. David's became vacant, Buckingham aſked it for Laud; but James, on account of his ill fame *, ſhewing an averſion to his promotion, he employed Williams to teaze him into a compliance: Williams not only ſucceeded in this, but retained him in his prebendary of Weſtminſter, and procured him, in ſome time after, a living of one hundred and twenty pounds, a-year in the dioceſe of St. David's; For all which ſervices, Laud, now on a foot of rivalſhip, and having in a manner engroſſed Buckingham's ear, became one of the principal means of Williams's diſgrace.

Hacket's Life of Williams.

Coronation. Four days before the meeting of parliament, the ceremony of the coronation was performed; and Charles had the imprudence, at this critical time, to add to the diſguſt of the public by exacting the obſolete tribute of knights fees from

* Laud had married lady Rich to his patron the earl of Devonſhire, her paramor, while her huſband the earl of Warwick was alive

James had another objection to this promotion: Laud had given him ſome violent counſel in regard to the eccleſiaſtical affairs of Scotland; and his timorous diſpoſition was terrified at a circumſtance which partly prognoſticated the ſtorm this zealous pedant had ſo great a ſhare in raiſing. *Hacket's Life of Williams.*

all those who had forty pounds a-year*. The form of the coronation was compiled by bishop Laud, who made two additions to that which had been more recently used, from the antiquated examples of Richard II. and Henry VI. One was this clause in the body of the service: "Let him obtain favor of the people, like Aaron in the tabernacle, Elisha in the waters, Zacharias in the temple. Give him Peter's key of discipline, and Paul's doctrine." The other was the following address after the ceremony was performed: "Stand and hold fast from henceforth the place to which you have been heir by the succession of your fore-fathers, being now delivered to you by the authority of Almighty God, and by the hands of us and all the bishops and servants of God. And as you see the clergy to come nearer to the altar than others, so remember that in all places convenient you give them greater honor; that the mediator of God and man may establish you in the kingly throne, to be a mediator between the clergy and the laity; and that you may reign for ever with Jesus Christ, the King of kings, and Lord of lords†."

Anno 1625.

Echard, fol. ed. 1718, vol. II. p. 31.

Rushworth, vol. I. p. 201.

Sir Thomas Coventry, an errant court-lawyer, obtained the seals on the disgrace of Williams, and, on the meeting of the parliament, made a florid ministerial speech, full of gross adulation and devotion to

Parliament 6th February.

Rushworth, vol. I. p. 202, & seq.

* The original sum was twenty pounds; but at the time it was thus fixed, twenty pounds a year was a considerable income.

† Bishop Williams, as dean of Westminster, was by course to have a chief part in the ceremony; but he was commanded not to appear, and his place was supplied by his enemy Laud. An old crucifix found among the regalia was by his direction placed upon the altar. *Rapin*, 8vo ed. 1730, vol. X. p. 35.

Anno 1603. the crown: "If we conſider aright, ſaid he, and think of that incomparable diſtance between the ſupreme height and majeſty of a mighty monarch, and the ſubmiſſive awe and lowlineſs of a loyal ſubject, we cannot but receive exceeding comfort and contentment in the frame of this higheſt court, wherein not only the prelates, nobles, and grandees, but the commons of all degrees, have their part; and wherein that high majeſty doth deſcend to admit, or rather to invite, the humbleſt of his ſubjects to conference and council with him of the great, weighty, and difficult affairs of the kingdom: A benefit and favor whereof we cannot be too ſenſible and thankful.—And it behoveth us to magnify and bleſs God, who hath put the power of aſſembling parliaments in the hands of him, the virtue inherent of whoſe perſon doth ſtrive with the greatneſs of his princely lineage and deſcent, whether he ſhould be accounted *major* or *melior*, a greater king or a better man." This lofty deſcription of majeſty was anſwered in the ſame ſtrain by the bombaſt oration of the ſpeaker, Sir Heneage Finch, viz. "And ſince we all ſtand for hundreds and thouſands, for figures and cyphers *, as your majeſty, the ſupreme and ſovereign auditor, ſhall pleaſe to place and value us; and, like coin to paſs, are made current by your royal ſtamp and impreſſion only.—Here your royal perſon, ſtill enthroned in the ſtate of majeſty, attended by a reverend and learned prelacy, a great and full nobility, enthroned like ſtars in the firmament, ſome of a greater, ſome of a leſſer mag-

* There is a figure ſomething like this in a ſpeech of the royal orator James; viz. make the ſubjects like men at cheſs, a pawn to take a biſhop or a knight.

nitude,

nitude, full of light and beauty, and acknowledging to whom they owe their luſtre, and by a choice number of worthy knights and gentlemen, who repreſent the whole body of your Commons. But to leave generals, we live not under a monarchy only, the beſt of governments, and under a government, the beſt of monarchies, but under a king, the beſt of monarchs, your royal perſon. And thoſe eminent virtues and graces which are inherent in your perſon, in whom greatneſs and goodneſs contend for ſuperiority, it were preſumption in me to touch, though with never ſo good a meaning; they will not be bounded within the narrow circle of any diſcourſe. What age ſhall not record or eternize your princely magnanimity in that heroic action or venturous journey into Spain? hazarding your perſon to preſerve the kingdom: Fathers will tell it to their children in ſucceſſion; after-ages will then think it a fable. Your piety to the memory of your dear father, in following and bedewing his hearſe with your tears, is full in every man's memory."

Anno 1625.

Previous to buſineſs, all the members, by an order of the houſe, received the ſacrament. This precaution was to diſcover any falſe papiſtical brethren, who might otherwiſe lurk under the cover of the oath of allegiance. A meſſage of complaint from the King acquainted the houſe, that Sir Edward Coke, being ſheriff of Buckinghamſhire, was returned one of the knights of the ſhire for the county of York. This meſſage the houſe referred to the committee of privileges and elections, to report their opinions of the law in theſe caſes, and the uſage of parliament. Sir Edward Coke gave up his ſeat on this occaſion, though on the day before the diſſolution of the

Anno 1625. parliament it was reſolved that he ſtood, *de facto*, a member of that houſe.

Rushworth, vol. 1. p. 207. The Commons went into a warm examination of the public grievances: The miſcarriage of the fleet to Cadiz, the evil counſellors about the King, miſ-employment and waſte of the King's revenue; and they demanded an account of the three ſubſidies and fifteenths granted the twenty-firſt of James. It was reſolved that a committee for ſecret affairs *, and another for grievances, ſhould ſit every Wedneſday and Friday during this parliament; and an act was tendered and read, to adminiſter an oath for the rendering a true account of all general and public taxes, rates, and collections. The preſent grievances, as enumerated by the committee, are theſe:

Grants of penſions now one hundred and twenty thouſand pounds, before but eighty thouſand pounds:

Increaſe of houſhold from forty-five thouſand pounds to eighty thouſand pounds;

Fruitleſs ambaſſadors, with larger allowance than formerly:

Treble encreaſe of the privy-purſe:

Double increaſe of the treaſury, of the chamber, and great wardrobe:

New impoſitions and monopolies multiplied, and ſettled to continue by grants:

Cuſtoms enhanced by the new book of rates:

Tonnage and poundage levied without any act of parliament.

Council of war examined. The council of war † was examined concern-

* The buſineſs of this committee for ſecret affairs was to enquire into the conduct of Buckingham. *Guthrie*, vol. III. p. 840.

† The men who compoſed this council of war were, the lords Carey, Brook, Vere, Grandiſon, Sir Robert Manſel, Sir John Ogle, and Sir Thomas Button.

ing

ing the management of the money entruſted to them by parliament for four ends ſpecified the twenty-firſt of James. They all, on various pretences, declined giving ſatisfaction, except Sir Robert Manſel, who promiſed to anſwer fully to every particular, provided he had leave of the King. On this general refuſal the oppoſition dropped the affair, having gained an advantageous point from the ſuſpicions to which the miniſtry was expoſed, by laying on the commiſſioners injunctions of ſecrecy, contrary to the conditions of the grant *. Anno 1625.

A committee was named concerning religion, and Mountague's publications were again called in queſtion: Theſe affairs were principally managed by Pym, a member of great experience and acquired judgment, having ſerved in more than one parliament in the laſt reign †. Warmly as Mountague had been proſecuted in three ſucceſſive ſeſſions, he at length eſcaped ſentence by a more intereſting proſecution, which at this time engroſſed the attention of the whole body. Dr. Turner, a phyſician, propounded theſe queries to the houſe:

I. Whether the duke, being admiral, be not the cauſe of the loſs of the King's royalty in the narrow ſeas? Rushworth. Whitlock.

* According to the conditions of the grant, the treaſurers had made oath that none of the money ſhould iſſue out of their hands without warrant from the council of war. The council of war had made oath that they ſhould make no warrants for the payment of any of the money, but only for the ends ſpecified by parliament; and, farther, ſhould all be accountable for their doings and proceedings in that buſineſs, to the Commons in parliament, when they, or any of them, ſhould be thereunto required. *Parl. Hiſt.* vol. VI. p. 427.

† Mr. Pym was one of the ſuffering members who were impriſoned by James for ſpeaking freely againſt the meaſures of the court.

II. Whether

Anno 1625. II. Whether the unreaſonable, exorbitant, and immenſe gifts of money and lands beſtowed on the duke and his kindred, be not the cauſe of impairing the King's revenue and impoveriſhing the crown?

III. Whether the multiplicity of offices conferred upon the duke and others depending upon him (whereof they are not capable) be not the cauſe of the evil government of this kingdom?

IV. Whether recuſants in general, by a kind of connivance, be not encreaſed by reaſon of the duke's mother and his father-in-law being known Papiſts?

V. Whether the ſale of honors, offices, and places of judicature, eccleſiaſtical livings and promotions (a ſcandal and hurt to the kingdom!) be not through the duke?

VI. Whether the duke's ſtaying at home, being admiral of the fleet, and general of the land army, was not the cauſe of the bad ſucceſs and overthrow of that action, and whether he gave good directions for that deſign?

Proſecution of Buckingham.

On this accuſation it was reſolved, upon the queſtion, that common fame was a good ground of proceeding for the houſe of Commons, either by enquiry, or preſenting the complaint (if the houſe finds cauſe) to the King or Lords. Among the arguments and obſervations urged to procure this reſolution, Sir Thomas Wentworth's were very rational: That if they could not preſent to the Lords upon common fame, yet they might enquire and accuſe in that houſe upon it; that this was the only ſafeguard of accuſation for great men, whereas in all others no man dare accuſe them, for fear of danger. Mr. Rolle ſaid, that the Commons might preſent a lord of the higher

Parl. Hiſt. vol. VI. p. 438.

houſe

houſe to the Lords, for he was not compellable to anſwer in the houſe of Commons; thus, if they could not preſent upon common fame, he could never be drawn to anſwer. If the offence tended to felony or treaſon, the Commons might pray to have him committed, in reſpect to the quality of the fact. That it was otherwiſe in ſmaller offences: In the fifth of Henry IV. a complaint was made againſt the King's confeſſor, and ſome others; hereupon the Lords ordered that he ſhould be removed from about the King; and the King in parliament, though he knew no cauſe particular, yet, becauſe the Lords and Commons had thought them unfitting, he there commanded them to come no more near him: and aſſured the aſſembly, that if there were any others againſt whom the Lords and Commons had indignation, he would remove them alſo. The two lawyers, Selden and Noy, argued for the legality of the proceeding on common fame; and the Commons forwarded the proſecution with great vigor, appointing ſeveral committees for particular enquiries into the duke's conduct. Anno 1625.

Whilſt they were thus employed in preparing and digeſting theſe matters into a ſpecial charge, they received a moſt importunate meſſage from the King, ſetting forth "the infinite prejudice the public affairs muſt receive by the longer delaying the ſupplies; that his majeſty's fleet being returned, and the victuals ſpent, the men muſt of neceſſity be diſcharged, and their wages paid, elſe an aſſured mutiny would follow, which might be many ways dangerous at this time; that his majeſty hath made ready about forty ſhips, to be ſet forth on a ſecond voyage, which want only victuals and ſome men, which, without preſent ſupply of money, cannot be ſet forth Rushworth, vol. I. p. 215.

and

Anno 1625. and kept together; that the army which is appointed muſt be diſbanded, if they be not preſently ſupplied with victuals and cloaths; that if the companies of Ireland lately ſent thither be not provided for, inſtead of defending that country they will prove the authors of rebellion; that the ſeaſon of providing healthful victuals will be paſt, if this month be neglected."

Powerful as theſe arguments appeared to the King, the Commons did not think it prudent to truſt the ſword in the hands of Buckingham, at the very time they were proceeding againſt him as an intolerable nuiſance in the ſtate. Mr. Coke, ſon of Sir Edward Coke, had avowed this ſentiment in the houſe: "It is better, ſaid he, to be eaten up by a foreign enemy than to be deſtroyed at home."

The Commons, not to leave the ſmalleſt reproach upon themſelves of neglecting the real ſervice of their country, ſent the King a very civil anſwer, in which they teſtified an aſſured belief that he would accept and follow the faithful and neceſſary advice of his parliament, and that on this conſideration they intended to aſſiſt and ſupply him in ſuch a way, and in ſo ample a meaſure, as ſhould make him ſafe at home, and feared abroad.

Charles was ſtung to the quick at a meſſage which, in a manner ſubtle and ſpecious, ſhewed the determined reſolution of the houſe to give no aſſiſtance towards the occaſions of the war till a miniſtry ſhould be elected on whom they could place an entire confidence. He aſſumed a more haughty manner than he had before uſed to the Commons, no doubt with an intention either to awe this reſolute aſſembly into ſubmiſſive meaſures, or to provoke them out of that prudent

reſerve

reſerve which had hitherto confined their oppoſition within the accuſtomed bounds of reſpectful language: "But for your clauſe of preſenting grievances (writes he in his reply to their anſwer) I take that but for a parentheſis in your ſpeech, and not a condition: And yet for anſwer to that part, I will tell you, I will be as willing to hear your grievances as my predeceſſors have been; ſo that you will apply yourſelves to redreſs them, and not to enquire after them. I muſt let you know, that I will not allow any of my ſervants to be queſtioned among you, much leſs ſuch as are of eminent ſtate, and near unto me. The old queſtion was, What ſhall be done to the man whom the King will honor? but now it hath been the labour of ſome to ſeek, what may be done againſt him whom the King thinks fit to honor*?" Charles proceeds to reproach the Commons for inconſtancy, in proſecuting a man who was once an univerſal favorite among them; and finiſhes with this threat: "I would you would haſten my ſupply, or elſe it will be worſe for yourſelves; for if any ill happen I ſhall be the laſt who feel it." This magiſterial language produced no effect on the meaſures of the Commons: They calmly voted the King three ſubſidies and three fifteenths †; but the act not to be brought in till the grievances were preſented and anſwered. Then they reſumed the de-

Anno 1625.

Parl. Hiſt. vol. VI. p. 430, & ſeq.

* It muſt be remarked that this quotation taken from the Old Teſtament, is an inſtance of the power of a Perſian king, conſequently abſurdly adapted to that of a limited monarch; and ſhews that Charles's notions of regal government were as confuſed as James's; both of them reſolving its ſeveral diſtinctions into that of a ſimple and abſolute monarchy.

† Some days after this, the Commons added a fourth ſubſidy.

bates

Anno 1625. bates concerning the impeachment of Buckingham, and ordered him to have notice of what had been charged againſt him. In this debate Sir W. Walter made a ſevere ſpeech againſt the favorite; and Sir John Elliot ſhewed, that it was not the manner of parliaments to give before their grievances were redreſſed. Charles, perplexed and exaſperated at a conduct which baffled all his ſchemes, was determined to attempt the expedient of hectoring the Commons in perſon, and ſent for the two houſes to Whitehall. He began his ſpeech with thanking the Lords for having incited the Commons to take the ſtate of the kingdom into conſideration. He avowed, that if this parliament did not redound to its good, it was not their faults*; that he came to ſhew the Commons their errors. Then the lord-keeper, by the King's command, taking up the ſpeech, ſhewed that the following declaration was only intended for the Commons, but that his majeſty was willing that the Lords ſhould be witneſſes of the honor and juſtice of his reſolutions; that his majeſty had approved, by his behavior, his affection for the right uſe of parliaments;—that after he had received ſatisfaction for his reaſonable demands, he would, as a juſt king, anſwer the grievances which ſhould be preſented to him in a dutiful manner; that as his majeſty was well-affectioned to the right uſe of parliaments, ſo never king was more jealous of his honor, nor more ſenſible of the contempt or neglect of his royal rights, which he will by no means ſuffer to be violated by any pretence of

Anno 1626. Parl. Hiſt. vol. VI. p. 444, & ſeq.

* The Lords, in a conference with the Commons on the ſtate of affairs abroad, had recommended to the Commons to reſolve on giving the King a ſpeedy aſſiſtance. *Parl. Hiſt.* vol. VI. p. 470.

parliamentary

parliamentary liberty, wherein his majeſty doth not forget that the parliament is his council, and therefore ought to have the liberty of a council; but he underſtands the difference between counſel and controuling, between liberty and the abuſe of liberty. The lord-keeper next proceeded to ſchool the Commons for not having, according to a meſſage from his majeſty, corrected Mr. Coke for a ſeditious ſpeech uttered in the houſe; and for not only encouraging, but walking in the ſteps of Dr. Turner, who did take upon him, ſaid he, to adviſe the houſe upon ſundry articles againſt the duke of Buckingham, as he pretended; but, in truth, to wound the honor and government of his majeſty, and of his renowned father: And his majeſty, firſt by a meſſage, and after by his own royal mouth, did declare that that courſe of enquiry was an example which by no way he could ſuffer, though it were againſt his meaneſt ſervant, much leſs againſt one ſo near him; and that his majeſty did much wonder at the fooliſh inſolence of any man who could think that his majeſty ſhould be drawn, out of any end, to offer ſuch a ſacrifice ſo unworthy of a king or a good maſter. He then aſſerted the duke's ſincerity and diſcretion from the King's own knowledge, with a reproach to the Commons of diſreſpectful proceedings; that their committees had preſumed to examine the letters of the ſecretary of ſtate *. Then the Commons Anno 1626.

* Committees had been diſpatched to the ſignet-office, to ſearch for originals of letters for reprieving prieſts condemned at York. The Commons alledged in their anſwer to the reproach of the lord-keeper, that in the above mentioned act they had done nothing not warranted by the precedents of former parliaments upon the like occaſions. *Parl. Hiſt.* vol. VI. p. 466.

Anno 1626. were reprimanded for their dilatorineſs in proceeding in the buſineſs of the ſupply, the inadequateneſs of the ſum to the King's wants, and the condition in a manner tacked to it: "Therefore, continued the keeper, his majeſty commandeth that you go together again, and by Saturday next return your final anſwer what farther ſupply you will add to this you have already agreed on; and that to be without conditions, either directly or indirectly, for the ſupply of theſe great and important affairs of his majeſty, which, for the reaſons formerly made known unto you, can endure no longer delay; and if you ſhall not by that time reſolve on a more ample one, his majeſty cannot expect a ſupply this way, or ſuffer you to ſit longer together; otherwiſe, if you do it, his majeſty is well content that you ſhall ſit ſo long as the ſeaſon of the year will permit; and doth aſſure you that the preſent addition to your ſupply to ſet forward the work ſhall be no hindrance to your ſpeedy acceſs again." When the keeper had finiſhed, the King, retaking up the ſpeech, reproached the Commons in high terms on the old topic of the parliament's having helped him to break off the treaties with Spain; then, continuing his ſpeech, ſaid, "Mr. Coke told you it was better to be eaten up by a foreign enemy than to be deſtroyed at home. Indeed, I think it is more honor for a king to be invaded, and almoſt eaten up, by a foreign enemy, than to be deſpiſed by his own ſubjects.—Remember that parliaments are altogether in my power, for their calling, ſitting, and diſſolution: Therefore, as I find the fruits of them good or evil, they are to continue, or not to be; and remember, that if in this time, inſtead of amending your errors, by delay you perſiſt in your

errors, you make them greater and irreconcile- Anno 1626.
able; whereas, on the other ſide, if you do go on chearfully to mend them, and look to the diſtreſſed ſtate of Chriſtendom, and the affairs of the kingdom, as it lieth now by this great engagement, you will do yourſelves honor; you ſhall encourage me to go on with parliaments, and I hope all Chriſtendom ſhall feel the good of it."

This injudicious bravado put a ſtop to all the preceding buſineſs in the houſe: The Commons entered into debates on the unconſtitutional ſpeeches which fell from the King and the keeper, turned the houſe into a grand committee, ordered the doors to be locked, no member to go forth, and that the proceedings of other committees ſhould be ſtopped till they came to a reſolution in this buſineſs. When theſe determinations were made known to the King, the duke of Buckingham was ordered to explain thoſe parts of the ſpeeches which were liable to the moſt exceptions. He took the opportunity of addreſſing the houſe with a kind of vindication of his own conduct *.

A remonſtrance was then framed by the Commons, and ſent up to the throne, on the fifth of April, in anſwer to the charges alleged againſt

* One of the circumſtances which Buckingham alleges to prove his fidelity to the Proteſtant religion is this: "If I would have converted myſelf, ſaid he, I might have had the infanta put into my maſter's bed; and if any diſcontent ſhould have riſen here, I might have had an army to have come with me; but I thought the offer fooliſh, ridiculous, and ſcornful, in that point of religion." We do not hear that the Commons made any animadverſions on this vindication of Buckingham; but ſurely nothing could be more abſurdly impolitic than to avow but this objection to the offers of the Spaniards. *Parl. Hiſt.* vol. VI. p. 454.

Anno 1626. them in the King's and the lord-keeper's ſpeeches. The houſe was then adjourned, by deſire of the King, to the thirteenth. This adjournment was only carried by a majority of thirty, and proves that the low-church party were at this time very numerous in the lower houſe, the oppoſition thinking it fit to ſit through the holidays *. After this ſhort receſs, the Commons returned again to the buſineſs of the proſecution; but whilſt they were thus employed, an intereſting ſcene was carrying on in the houſe of Lords.

With the low expedient which had been uſed by the miniſtry, of incapacitating thoſe men who had the greateſt ſway in the oppoſition from ſerving among the Commons, by nominating them ſheriffs, more exceptionable meaſures had been uſed to rid Buckingham of his antagoniſts in the upper houſe.

Ruſhworth. Parl. Hiſt. When the parliament was ſummoned, by an unwarrantable ſtretch of prerogative, Charles had given orders, that no writ ſhould be ſent to the biſhop of Lincoln nor the earl of Briſtol. On an application from the latter to the houſe of Lords, his writ was ſent him, but with it a letter from the lord-keeper, forbidding his perſonal attendance. On the receipt of this mandate, Briſtol preferred a ſecond petition to the upper houſe, repreſenting his caſe as an important encroachment on the liberty and ſafety of the peers, with a deſire to be ſent for and heard in accuſation of the duke of Buckingham; having been wronged for the ſpace of two years in his reputation and

* This was not the only inſtance of the powerfulneſs of this party. It was alleged in the houſe this ſeſſion, that proclamations for not dreſſing meat in Lent were great grievances.—We find in Rymer, that theſe proclamations had been very frequent in the laſt reign.

liberty by the aſperſions of the ſaid duke, to keep him from the preſence of his majeſty and parliament, leſt he ſhould diſcover ſeveral of his crimes and miſdemeanors. Anno 1626.

Briſtol had had the offer, on condition of an entire acquieſcence, to remain without farther moleſtation, and enjoy the benefit of the pardon granted laſt parliament; but Charles, provoked at theſe repeated acts of oppoſition, ordered the attorney-general to enter an accuſation of high-treaſon againſt him in the houſe of Lords; and ſignified his pleaſure, in a meſſage by the lord-keeper, that he ſhould be ſent for as a delinquent to anſwer his offences. Briſtol reminded the Lords, that their houſe was poſſeſſed of his former petition, and of his accuſation of Buckingham: He therefore deſired that they would receive his charge againſt the duke and the lord Conway, and not to invalidate his teſtimony againſt them by the King's charge againſt him. Proſecution of Briſtol.

The offences charged by the crown againſt Briſtol are comprized under theſe heads:

That he had, contrary to his knowledge, given information to the court of England, that the king of Spain did really intend to conclude the marriage, and make reſtitution of the Palatinate: Articles againſt Briſtol.

That he had, contrary to inſtructions, continued the treaties on generalities:

That he had terrified the late King from retreating, by magnifying the power of Spain:

That he had perſuaded the enlargement of Jeſuits and Romiſh prieſts:

That he had endeavored traitorouſly to perſuade the prince to change his religion:

That on the offer made by Spain of a marriage between the Palatine's eldeſt ſon and the em-

Anno 1626. peror's daughter, with the condition of his being bred up in the emperor's court, he had given it as his opinion that the propoſition was reaſonable:

That he had ſet a day for the delivery of the *depoſſerios*, without treating of the things commanded to him as reſtrictions:

That he had ſignified in confidence, that he cared not what the ſucceſs of the treaties might be, but was determined to make his fortune by the negociation:

That his intricate management had enforced the preſent King, when prince, to the dangerous journey into Spain:

Laſtly, he had offended in a high manner, by preferring a ſcandalous petition to the houſe, to the diſhonor of his majeſty, of bleſſed memory, deceaſed, and of his ſacred majeſty who now is; offences no way ſufferable in a ſubject towards a ſovereign; and in one article of that petition, wherein he gives his now-majeſty the lie, in denying that relation which his majeſty affirmed.

Of this charge Charles declared himſelf the accuſer: Briſtol offered to make any ſubmiſſion that ſhould be perſonal, to the King; but beſought the Lords to take into conſideration how dangerous would be the conſequences if his majeſty ſhould be accuſer, judge, witneſs, and have the confiſcation *. He moved that the duke of

* Charles had offered to be himſelf the principal evidence againſt Briſtol. The houſe, to avoid a difficulty contrived on purpoſe to reſtrain the freedom of their judgment, conſulted the judges on the following point: Whether in the caſe of treaſon or felony the King's teſtimony was to be admitted or not? whether words ſpoken to the prince, who is after King, makes an alteration in this caſe? The judges gave the houſe to underſtand, that they had received an expreſs command from the King not to give their opinion on theſe queſtions. *Ruſhworth*, vol. I. p. 268, *& ſeq.*

Buckingham might be put in equal condition with himſelf; and that as he had given in articles againſt the lord Conway, he might not be permitted to meddle in that particular buſineſs, or uſe the King's name in it, *ex officio*. Anno 1626.

In laying open his caſe, he ſhewed that Buckingham had obtained his impriſonment to prevent the diſcovery of his own bad practices in Spain; that by ſiniſter means he had continued him in that reſtraint, becauſe he had refuſed to ſign ſome propoſitions ſent to him by the ſaid duke. He next proceeded to the articles of impeachment againſt the duke of Buckingham and the lord Conway. The heads of them are as follow:

That the duke of Buckingham did combine with the Conde Gondemar to carry his majeſty, late prince, into Spain, to procure his converſion: Articles againſt Buckingham. Ruſhworth, vol. I. p. 262, & ſeq.

That when in Spain he labored it; and by flattering the Spaniſh miniſtry on this point, he cauſed them to recede from conditions which had been before propounded:

That he had procured a letter to be written from his late majeſty to the pope:

That he had received a bull to encourage him in the perverſion of the prince:

That he had given ſcandal by his perſonal behavior in Spain; and, having incenſed the king of Spain and his miniſters, he put in practice divers undue courſes to break the match:

That he had been, in great part, the cauſe of the ruin and misfortune of the prince Palatine and his eſtates, inaſmuch as thoſe affairs had relation to the kingdom of Spain:

That he had abuſed the parliament by his ſiniſter relation; and wronged the earl of Briſtol

Anno 1626. in point of his honor, by many ſiniſter aſperſions he had laid upon him; and in point of his liberty, by many undue courſes, through his power and practices:

That he had vexed and preſſed his late majeſty, for having ſent the earl of Briſtol word that he would hear him againſt the duke, as well as he had heard the duke againſt him.

The heads of the articles given in againſt the lord Conway were,

Articles againſt the lord Conway. Ruſhworth, vol. I. p. 264. & ſeq.

That the lord Conway had profeſſed himſelf ſo great a ſervant of the duke's, that he had not ſtuck to declare that if matters could not be accommodated between them, he muſt then adhere to the duke; from which he inferred that lord Conway was unfit to be a judge in any thing which concerneth the duke or the earl:

That the lord Conway, as a creature of the ſaid duke, had, by various miſrepreſentations and undue means, not only occaſioned the earl of Briſtol's reſtraint, and lengthened it, but during its continuation had perplexed him in his buſineſs and otherwiſe:

That on the earl of Briſtol's having fully anſwered twenty interrogatories, which had been made to him in his late majeſty's name, that the lord Conway, being the ſecretary to the lords commiſſioners who were appointed to ſearch into the proceedings of the ſaid earl, perceiving that the ſaid earl was like to be cleared, never moved for a farther meeting, nor have the lords commiſſioners ever been permitted to meet to this day:

That though the lord Conway knew that the match of the king of Bohemia's eldeſt ſon with the emperor's daughter, and his being bred in the emperor's court, was allowed and propounded

pounded by his late majeſty, yet had he ſuffered it to be charged againſt the earl of Briſtol, both in the interrogatories, and in his majeſty's laſt letter: Anno 1626.

That the lord Conway had been the cauſe of all the earl of Briſtol's troubles, by his dubious and entrapping diſpatches, and inferring that the ſaid earl had failed in his directions, when it ſhould be made appear that his diſpatches contained no ſuch directions as he hath alleged were given.

The houſe came to a reſolution not to commit the earl of Briſtol to the Tower, but to let him remain in cuſtody of the gentleman-uſher; and that the King's charge againſt the earl ſhould have the firſt hearing, then the earl's againſt the duke; yet ſo that the earl's teſtimony againſt the duke ſhould not be prevented, prejudiced, or impeached *.

Charles, finding by theſe determinations, that the ſenſe of the peers ran favorable to Briſtol, ſent them the following meſſage:

That he took notice of the articles exhibited againſt the duke of Buckingham, and he found they were ſuch that he was able of his own knowledge to ſay more than any man of the duke's ſincerity; that one of them, touching the narrative made in parliament, trencheth as far upon himſelf as the duke; he ſent them thanks that they gave no way to the earl of Briſtol's unreaſonable motion of putting the duke under the ſame reſtraint as they did the earl, thereby eſchewing what the earl aimeth at, namely, to alter

* On the earl's requeſt, the houſe had granted him counſel; This Charles objected to; but finding that the houſe was reſolved to abide by their own determination, he at length gave way. *Parl. Hiſt.* vol. VII. p. 29, 180, *& ſeq.*

their

Anno 1626. their dutiful proceedings towards him; that thereby they had made him confident that they will continue to put a difference between his charge againſt one who appeareth as a delinquent, and the recrimination of the earl of Briſtol againſt his evidence *. Thus did Charles injudiciouſly run the riſk of incurring a public affront by thruſting himſelf in, not only as an evidence, but as an acceſſary with Buckingham.

The crown at this time made an attempt to carry the proſecution into the King's Bench; but this was vigorouſly oppoſed by the Lords, on the following objections:

"He can have no counſel:

"He can uſe no witneſs again the King:

"He cannot know what the evidence againſt him will be time enough to prepare for his defence; ſo the innocent may be condemned, which may be the caſe of any peer, and the liberties of the houſe thereby infringed, and the honor and juſtice thereof declined:

"The earl being indicted, it will not be in the power of the houſe to keep him from arraignment; and ſo he may be diſabled from making good his charge againſt the duke:

"It appears that the earl, for the ſpace of two years, till now he complained, hath not been ſo much as queſtioned for matter of treaſon; he hath been examined on twenty interrogatories,

* On the occaſion of theſe cauſes now depending, the King had ſent for the whole body of biſhops, and charged them in the judgments they gave to be guided by their conſciences. At the ſame time he aſſured them, that he was always ready to promote the cauſe of the church; giving them a gentle reprehenſion that they had not made known unto him in this ſeſſion of parliament what might be profitable for it. *Ruſhworth*, vol. I. p. 247. *Breviate of the Life of Laud*, p. 8.

and

and the commiſſioners ſatisfy that his anſwer will admit of no reply: Anno 1626.

"The lord Conway by ſeveral letters hath intimated, that there was nothing againſt him, but what was pardoned by the parliament's pardon of the twenty-firſt of James; and ſignified his majeſty's pleaſure that he might reſt in that ſecurity:

"His majeſty hath often declared, both to the counteſs of Briſtol and others, that there was neither felony nor treaſon againſt him, nor ought elſe but what a ſmall acknowledgment would expiate."

Theſe repreſentations of the Lords were ſo many favorable omens to Briſtol, who denied almoſt every article of the King's charge*, and

* The firſt article of the King's charge is, That Briſtol had, contrary to his knowledge, given deluſive hopes to the court of England concerning the concluſion of the treaty. Among the Harleian manuſcripts there are ſeveral letters from Buckingham, whilſt in Spain, to his patron James. The letters which he wrote previous to the diſguſt he took at that court, are full of flattering intelligence relative to this point. One of them hath theſe particular expreſſions: "If we can either judge by outward ſhews, or general ſpeeches, we have reaſon to condemn your ambaſſadors for ſpeaking too ſparingly than too much. If the pope will not grant a diſpenſation, we would be glad to have your directions how far we may engage you in the acknowledgment of the pope's ſpiritual power; for we almoſt find, if you will be contented to acknowledge the pope chief head under Chriſt, that the match will be made without him."

The following letter from Charles to the duke of Buckingham, preſerved among the ſame manuſcripts, ſhews that Charles, whilſt prince of Wales, had entered into all Buckingham's little piques, and that he was a violent partizan againſt Briſtol;

"Stenie,

"Now I muſt crave your pardon to trouble you a little; it is this: Briſtol ſtands upon his juſtification, and will by no means

Anno 1626. proved, by the undeniable teſtimony of the written intercourſe between him and the court of England, that he had acted in concert with James's inclinations, and according to the general and particular inſtructions of that monarch. "As touching the charge itſelf (ſaid Briſtol in a ſpeech he made to the Lords on the ſubject of his vindication) I have once anſwered all, except that of my petition; I expected not to have heard of theſe again. I expected a remonſtrance of ſome practice with Spain againſt the ſtate; or to be charged with the receipt of ten or twenty thouſand pounds, for the perſuading and procuring the delivering up ſome towns which the crown was in poſſeſſion of, as might be the Brill, or Fluſhing, or the like; or for being the means of the delivery of the King's ſhips to ſerve a foreign nation againſt thoſe of our own religion; or for the revealing his majeſty's higheſt ſecrets, which none but two or three did know of; or for treating of the greateſt affairs, as it were by my own authority, without formal inſtructions in the point; or, as the law calls it, to have committed ſome overt act of diſloyalty; and not to be charged, after ſeven ambaſſages, with diſcouragements and inferences."

It is very apparent, notwithſtanding the ſpecioufneſs of Briſtol's defence, that his whole conduct had been ſubſervient to the point of private advantage; that he had already obtained an opu-

means accept of my counſels; the King does haſte to have him come to his trial; and I am afraid, if you be not with us to help to charge him, and ſet the King right, he may eſcape with too light a cenſure. Therefore I would have you ſend to the King to put off Briſtol's trial till you might wait of him, but for God's ſake do not venture to come ſooner than you may with the ſafety of your health, &c. &c." *MSS. in the Brit. Muſ.* n. 6987.

lent

lent fortune by an exact conformity to the views of James; and that from motives of ſelfiſhneſs he had put in practice every expedient to prevent the rupture of the Spaniſh treaty. Nor was his preſent oppoſition excited by principles of independence, or generous feelings, whilſt recriminating againſt Buckingham: He meanly courted the prince who was exerciſing over him the moſt unjuſtifiable oppreſſion. On the merit of his management in the treaty with Spain, he had obtained, and at this very time enjoyed, the ſpoils of a man whoſe unjuſt fate was yet freſh in the memory of the public *. To theſe circumſtances, ill adapted to attract the eſteem of the people, his avowed principles of religion were as extravagantly hierarchical as were thoſe of the preſent miniſtry. The extreme odium, therefore, which his antagoniſt Buckingham had at this time incurred, and the oppreſſive treatment Anno 1626.

* This was Sir Walter Raleigh, whoſe large eſtate of Sherbourn had been firſt given by James to Somerſet, and then to Briſtol. Sir Antony Weldon hints, that Briſtol was one of the principal means of Sir Walter's execution, by repreſenting it to James as a neceſſary ſacrifice towards the attainment of the Spaniſh match. Nor was this the only ſtep he took to ſecure the poſſeſſion of theſe lands: Mr. Carew Raleigh relates, that, on his addreſſing himſelf to the parliament to be reſtored in blood, king Charles ſent to him, and told him plainly, that, on the obligation of ten thouſand pounds, he had promiſed the earl of Briſtol to ſecure his title to Sherbourn againſt the heirs of Sir Walter Raleigh; that now being king he was bound to make good his promiſe; therefore, unleſs Mr. Raleigh would quit all his right and title to Sherbourn, he neither would nor could paſs his bill of reſtoration. Whereupon Mr. Raleigh, being then not twenty years of age, left friendleſs and fortuneleſs, was prevailed on by the promiſe of a ſubſiſtence to ſubmit to the King's will. *See A Brief Relation of Sir Walter Raleigh's Troubles, &c. To the right honourable the Commons of England, the humble Petition of Carew Raleigh, in Sir Walter Raleigh's Life and Works by Dr. Birch.*

himſelf

Anno 16.6. himself had met with from the crown, were the only causes which gained a popularity to his side of the contest.

Backingham impeached.

The Commons, who had been all this while preparing matters for the impeachment, now brought up their charge against the minister *. It was managed by eight members † and sixteen assistants ‡. Sir Dudley Diggs opened it, with a florid metaphorical introduction §.

As one of the crimes alleged against Buckingham was the accumulation of offices and honors which he had obtained through his inordinate influence, the Commons did not omit any of these in the preamble to their declaration; viz. "The Commons in this present parliament——do, by this their bill, shew and declare against George, duke, marquis, and earl of Buckingham; earl of Coventry; viscount Villiers; baron of Whaddon; great admiral of the kingdoms of England

Rushworth, vol. I. p. 303.

* The Commons had sent to the duke, to let him know they were passing articles against him, and that they had given the messengers orders to take notice thereof out of the clerk's book, of which he might take a copy if he pleased; and that they expected his answer on the same day before ten of the clock, if he chose to send any. This message the duke signified to the Lords, who did not think fit that he should answer; and the duke signified this determination to the Commons. *Rushworth*, vol. I. p. 247.

† The eight managers were, Sir Dudley Diggs, Mr. Glanville, Mr. Herbert, Mr. Pym, Mr. Whitby, Mr. Selden, Mr. Wandsford, and Sir John Elliot. *Guthrie*, vol. III. p. 849.

‡ The sixteen assistants were, Sir Francis Barnham, Mr. Littleton, Sir William Earle, Sir William Ermyn, Mr. Noy, Mr. Rolles, Sir Benjamin Rudyard, Mr. Mason, Sir Nathaniel Rich, Mr. Brown, Mr. Sherland, Mr. Wyld, Mr. Charles Jones, Mr. Kirton, Mr. John Strangeways, and Mr. Therfield. *Guthrie*, vol. III. p. 849.

§ The orators of these times had not yet discarded this vicious elocution, which had been greatly heightened by the example of James.

and Ireland, and of the principality of Wales, and of the dominions and iſlands of the ſame, and of Normandy, Gaſcoigne, and Guienne; general governor of the ſhips of the ſaid kingdom; lieutenant-general, admiral, captain-general, and governor of his majeſty's royal fleet and army lately ſet forth; maſter of the horſe of our ſovereign lord the King; lord-warden, chancellor, and admiral of the Cinque Ports, and of the members thereof; conſtable of Dover-caſtle; juſtice in eyre of all the forests and chaces on this ſide of the river Trent; conſtable of the caſtle of Windſor; gentleman of his majeſty's bed-chamber; one of his majeſty's moſt honourable privy-council in his realms both in England, Scotland, and Ireland, and knight of the moſt honorable order of the garter; the miſdemeanors, miſpriſions, &c.—" Anno 1626.

The whole of this charge againſt Buckingham may be comprized under eight articles; viz. Ruſhworth. Guthrie.

That he had engroſſed a multiplicity of honors in his own hands, and had rendered offices and honors venal, by procuring and beſtowing them for money:

That he had neglected the performance of his duty in the office of admiral:

That he had ſeized and detained goods from the ſubjects of the French king, out of a ſhip called the St. Peter of Newhaven, on which enſued an arreſt at Newhaven of two Engliſh merchant-ſhips, to the great diſturbance of trade, and prejudice to the merchants:

That he had extorted the ſum of ten thouſand pounds from the Eaſt-India company:

That he had procured the Vauntguard and ſix merchant-ſhips to be delivered into the hands of

Anno 1626. the French king, knowing that they were intended to be employed againſt the French Proteſtants:

That he had procured divers titles to his kindred and allies, whoſe eſtates being ſmall, they could not be maintained in that dignity but at the expence and damage of the crown, who thereby diſabled itſelf to reward extraordinary virtue in future times with honor:

That he had obtained a grant of divers manors belonging to the crown, and had likewiſe received exceeding great ſums of money for his own uſe, without account, to the great diminution of the revenues of the crown:

That, without a ſufficient warrant, he had unduly procured certain plaiſters, and a certain drink or potion, to be given to his late majeſty, after which divers ill ſymptoms did appear upon his ſaid majeſty, who did attribute the cauſe of his growing worſe to the ſaid plaiſters and drink.

The whole charge was concluded and enforced by Sir John Elliot, who, in the execution of this taſk, diſplayed the powers of a lively nervous elocution.

Ruſhworth, vol. I. p. 357. After this impeachment the King came to the houſe, and made a cajoling ſpeech to the Lords: He aſſured them, that the cauſe of his coming was to expreſs the ſenſe he had of all their honors; that what affected them affected him in a very ſenſible manner*: "I have thought fit, adds he, to take order for the puniſhing ſome inſolent ſpeeches lately ſpoken. I have been too remiſs heretofore in puniſhing ſuch ſpeeches

* Charles, by theſe inſinuations, endeavored to perſuade the Lords that their intereſt was connected with Buckingham's cauſe.

as

as concern myſelf; not that I was greedy of their monies, but that Buckingham, through his importunity, would not ſuffer me to take notice of them, leſt he might be thought to have ſet me on. And to come the forwarder to his trial, and to approve his innocence; as touching the matters againſt him, I myſelf can be a witneſs to clear him in every one of them *. I ſpeak not this to take any thing out of your hands, but to ſhew the reaſon why I have not hitherto puniſhed thoſe inſolent ſpeeches againſt myſelf; and now I hope you will be as tender of my honor, when time ſhall ſerve, as I have been ſenſible of yours." Anno 1626.

Thoſe hints which Charles threw out of having taken order for the puniſhing ſome inſolent ſpeeches, referred to the impriſonment of Sir John Elliot and Sir Dudley Diggs, who, immediately after cloſing the charge againſt Buckingham, had been beckoned out of the conference chamber, and ſent to the Tower.

The Commons did not abate of their diligence in the proſecution of Buckingham; Sir Nathaniel Rich was ſent up with a meſſage to the Lords, to move them to commit this great offender to ſafe cuſtody: But this paſſive aſſembly permitted Buckingham to remain at liberty †, who now

* This glaring impropriety of the King's carriage, in owning himſelf thus egregiouſly managed by his favorite, with the ſubſequent teſtimony of his partiality, in offering himſelf as an evidence to clear Buckingham, after having offered himſelf as an evidence to accuſe Briſtol, are two ſtrong inſtances of that weakneſs and paſſion which influenced the conduct of this monarch.

† It will be difficult to reconcile this conduct of the Lords to that hatred which the antient nobility had of this minion, who had long maintained an inſolent ſuperiority over them; and whoſe accumulation of honors was in a manner uſurped from

Anno 1626. flung off all moderation, and threw out a kind of defiance on the malice, as he termed it, of the lower houſe.

Ruſhworth, vol. I. p. 358, & ſeq. The Commons were ſo offended at the impriſonment of their two members, that a kind of ſullen ſilence, proceeding from deep reſentment, for ſome time poſſeſſed the houſe, till Sir Dudley Carleton, a ſervant of the miniſtry, who had been long in office, and was at this time highly patronized by Buckingham, miſtaking this appearance for the ſymptom of an univerſal diſmay, began a florid metaphorical ſpeech, in which he endeavored to bring the houſe to ſubmit to the will of the court: The houſe he compared to a ſhip, their meſſages to the ſands; the commitment, to the ſands which the ſhip did ſtick on; and the compaſs, to the table where the book of orders did lie; he deſired them to examine ſtrictly into the orders, whether the impriſoned members did not exceed their commiſſion; if they did, to let them ſuffer for their preſumption; and this was the courſe, he ſaid, which would bring the ſhip from the rocks: "I beſeech you, gentlemen, added he, move not his majeſty with trenching upon his prerogative, leſt you bring him out of love with parliaments. You have heard his majeſty's often meſſages to you, to put you forward in a courſe which would be moſt convenient; in thoſe meſſages he told you, that

from the whole body But to the influence which the crown had over this aſſembly, Buckingham, by the means of his extenſive power, had formed a ſtrong party of the new, and ſome of the old nobility dependant upon himſelf. This the houſe ſeem to be ſenſible of; for, finding that he was deputed procurator to thirteen peers, whoſe votes on any occaſion he had power to make uſe of, they made an order that after this ſeſſion no lord ſhould be capable of receiving above two proxies.

if

if there were not correſpondency between him and you, he ſhould be enforced to uſe new counſels. Now I pray you conſider what theſe new counſels are and may be: I fear to declare thoſe which I conceive. In all Chriſtian kingdoms you know that parliaments were in uſe antiently, by which their kingdoms were governed in a moſt flouriſhing manner, until the monarchs began to know their own ſtrength; and ſeeing the turbulent ſpirit of their parliaments, at length they began to ſtand upon their prerogatives, and at laſt otherthrew the parliaments throughout Chriſtendom, except here only with us. And indeed you would count it a great miſery if you knew the ſubject in foreign countries as well as myſelf, to ſee them look not like our nation, with ſtore of fleſh on their backs, but like ſo many ghoſts, and not men, being nothing but ſkin and bone, with ſome thin cover to their nakedneſs, and wearing only wooden ſhoes on their feet, ſo that they cannot eat meat, or wear good cloaths, but they muſt pay and be taxed to the King for it. This is a miſery beyond expreſſion, and that which we are yet free from; let us be careful then to preſerve the King's good opinion of parliaments, which bringeth this happineſs to the nation, and makes us envied of all others, while there is this ſweetneſs between his majeſty and the Commons." Anno 1626.

This ſpeech was no ſooner uttered than the members cried out, "To the bar! to the bar!" and it was with ſome difficulty that Sir Dudley's friends could prevent his being brought upon his knees; though he afterwards aſſumed courage to make another oration, in which he groſly fell upon Sir John Elliot and Sir Dudley Diggs, and ſhewed the King's reaſons for their impriſonment;

Anno 1626. Sir John Elliot, for having ſpoken with great tartneſs againſt Buckingham, and treated him with the bare appellation of "this and that man," and for ſpeaking doubtfully of the return of the Engliſh ſhips lent to France*; Sir Dudley Diggs, for having been accuſed with ſaying, upon the ſubject of the plaiſter applied to James, "That he would therein ſpare the honor of the preſent King."

The unconſtitutional language uttered by Sir Dudley Carleton would undoubtedly have met with a ſeverer cenſure from the Commons, if the recent act of violence committed by the court had not agitated them too much to take an exemplary notice of the offenſive, though contemptible bravado. They came to three reſolutions on the queſtion of the impriſonment: Firſt, to proceed in no buſineſs till they were righted in their privileges: Secondly, to turn themſelves into a grand committee, to conſider of the beſt means to effect it: And, thirdly, that none ſhould leave the committee without aſking leave. The following proteſtation, taken by all the members of the houſe, was the reſult of their debate: "I proteſt before Almighty God, and this houſe of parliament, that I never gave conſent that Sir Dudley Diggs ſhould ſpeak theſe words which he is now charged withal, or any words to that effect; and I have not affirmed to any that he did ſpeak ſuch words, or any to that effect." This matter had been much debated in the upper houſe: The duke of Buckingham had affirmed there, that words ſo far trenching on the King's honor, that they were interpreted

Proteſtation of the Commons.

* The return of theſe ſhips was not known to Sir John Elliot at the time of the conference.

treaſonable,

treaſonable, had been ſpoken in the late conference by Sir Dudley Diggs *. This occaſioned a voluntary proteſtation of thirty-ſix lords, that Sir Dudley Diggs did not ſpeak any thing at the conference which did or might trench on the King's honor. Anno 1626.

Charles now found that he had acted in conſequence of a falſe repreſentation, and was not a little aſhamed of his precipitation: He reſtored both the members to their liberty †, and ſent the Commons word that he was fully ſatisfied Sir Dudley Diggs had not ſpoken the words with which he had been charged. Sir Dudley Diggs proteſted the like on his return to the houſe; and Sir John Elliot made an elegant ſenſible ſpeech, in anſwer to the virulent accuſation of Carleton, in which he defended what he had ſaid at the conference. It was then reſolved on the queſtion, that neither Sir John Elliot, Sir Dudley Diggs, nor the other members, had exceeded the commiſſion given them in the management of the impeachment.

Sir Dudley Carleton was rewarded with a peerage ‡, for the ſpeech he had lately made

* The lord Holland, a profeſſed creature of Buckingham, was the only peer who ſided with him in this accuſation.

† Sir Dudley Diggs was firſt enlarged, and the Commons informed that Sir John Elliot was detained for matters extra-judicial to that houſe. Of this word extra-judicial the Commons deſired an explanation; which being refuſed, they voted an adjournment for a day: This adjournment ſhewing Charles that they were determined to have full ſatisfaction, he gave way to the releaſe of Sir John Elliot. In the caſe of the impriſonment of theſe members the judges had given their opinion, that that reſtraint was an arreſt of the whole body of the Commons, no reaſon being given to that houſe for it. *Saunderſon's Hiſt. of Charles I.* fol. ed. 1658, p. 45.

‡ He was firſt created baron Carleton, then viſcount Dorcheſter. *Hiſtorical Preface to Carleton's Letters.*

Anno 1626. againſt the conduct of the two managers. To the Commons he had fully explained the meaning of new counſels, and by this explanation had proved to them the neceſſity they lay under of exerting their utmoſt efforts to limit a power which had avowed projects to deſtroy the bulwark of the conſtitution, and level the ſtate of the ſubject to abſolute ſlavery.

Buckingham elected chancellor of Cambridge.

Whilſt Buckingham's proſecution was yet depending, the chancellorſhip of the univerſity of Cambridge became vacant by the death of the earl of Suffolk: The univerſity paid a moſt acceptable compliment to majeſty, by electing Buckingham their chancellor at the time when he lay under the heavy cenſure of the houſe of Commons *. That reſpectable power thought themſelves groſly affronted by ſuch a proceeding, and

* Though the court made great intereſt to obtain this election for Buckingham, he carried it but by five voices. The King wrote the following letter to the univerſity, on the ſubject of their compliance:

"Truſty and well-beloved, we greet you well;

"Whereas upon our pleaſure, intimated unto you by the biſhop of Durham, for the choice of your chancellor, you have with much duty, as we expected, highly ſatisfied us in your election; we cannot in our princely nature (who are much poſſeſſed with this teſtimony of your ready and loyal affections) but for ever let you know how much you are therein made partakers of our royal approbation; and as we ſhall ever conceive that an honor done to a perſon we favor is out of a loyal reſpect had unto ourſelf, and as we ſhall ever juſtify Buckingham worthy of this your election, ſo ſhall you find the fruits of it. For that we have found him a faithful ſervant to our dear father of bleſſed memory, and ourſelf, cannot but undertake that he will prove ſuch a one to you, and will aſſiſt him with a gracious willingneſs in any thing which may concern the good of the univerſity in general, or the particular merits of any ſtudent there. *Frankyn's Annals*, 1681, p. 185, *&c. ſeq.*

were

were on the point of ſending a letter to the univerſity, to ſignify their diſpleaſure, and to require them to ſend proper perſons to inform them of the manner in which the election was carried. Charles interfered, and, after ſome meſſages had paſſed on this occaſion between him and the Commons, they dropped the affair. Anno 1626.

The Lords at length ſeemed to have caught ſomething of the ſpirit which had actuated the members of the lower houſe during this whole ſeſſion. After having entered into all the deſigns of the miniſtry in regard to the intended military operations; after having ſhewn their zeal for this buſineſs by repreſenting to the Commons the immediate neceſſity for haſtening the ſupply *; after a tame acquieſcence with all the irregular proceedings of the crown, the infringement of their privileges by the reſtraints laid on Briſtol and the biſhop of Lincoln; they were now animated into a kind of contention by the impriſonment of the earl of Arundel, who was ſent to the Tower on ſuſpicion of having been conſenting to a ſtolen marriage between the earl of Maletravers, his eldeſt ſon, and the duke of Lenox's ſiſter †. On the ſearching precedents, they found but one of a peer's being commited whilſt the parliament was ſitting, without a previous

* The earl of Pembroke, lord-chamberlain, in a conference between the two houſes, preſſed the neceſſity of a ſupply. The Lords, on the King's requeſt, appointed a committee to conſider of the ſafety of the kingdom, and the report of the committee was, that one fleet be preſently ſent to ſea againſt the king of Spain; that another be ſent to defend our own coaſts and merchants from pirates; and that conſideration be had of maintaining the armies under the king of Denmark and count Mansfeldt.

† Some ſuſpicions which Buckingham had entertained againſt the earl of Arundel was the true cauſe of his confinement. *Guthrie.*

Anno 1626. trial of the Lords in parliament. This occaſioned a petition, in which they informed Charles, that they found it to be their undoubted privilege that no lord of parliament, the parliament ſitting, or within the uſual times of privilege of parliament, ſhould be reſtrained, without ſentence or order of the houſe, unleſs for treaſon, felony, or for refuſing to give ſurety for the peace. Receiving no anſwer to this, they ſent up a ſecond petition for a gracious and a preſent anſwer. The King took up the term *preſent* in a very high manner, and ſent the Lords word, that when he received a meſſage fit to come from them to their ſovereign, they ſhould receive an anſwer. The Lords had the condeſcenſion to ſend another petition with the word *preſent* left out; But this not meeting with a ſatisfactory anſwer, on the Commons having obtained the releaſe of their members, a fourth petition was ſent up on the ſubject of the enlargement of the earl of Arundel. The Lords in this petition obſerved, that the Commons had ſpeedily obtained the ſame kind of favor, which had been as yet denied to their repeated ſolicitations. Charles replied, that he had things of great importance againſt the earl of Arundel, which it would much prejudice his affairs to make known; that as ſoon as poſſible they ſhould be informed of the cauſe, which was ſuch that he was certain they would not conſtrue his confinement to be a breach of their privileges. The Lords continuing to receive evaſive anſwers, without either obtaining the enlargement of their member, or the knowledge of his crime, came to a reſolution to adjourn till they were righted in their privileges. This reſolution produced the immediate deliverance of the earl of Arundel.

Lords' petition on the earl of Arundel's confinement.

Beſides this exertion, the Lords had ſent up a petition repreſenting their diſguſt at Engliſh commoners being dignified with Scotch and Iriſh titles, and that the Engliſh noblemen, poſſeſſing real privileges, ſhould be obliged to give place to nominal titles of a ſuperior claſs. Theſe important trifles had occaſioned a like application in the laſt reign, and with the ſame ſucceſs, Charles promiſing in general to take order for a regulation. Anno 1626.

The duke of Buckingham now gave in his plea to the impeachment made againſt him by the Commons: His anſwer to the ſeveral articles was ſpecious, though little ſatisfactory; ſome of them he denied, others he endeavored to vindicate, pleading example, the inclination and the commands of the ſovereign; to the article of accumulating honors and wealth upon his family, the natural bonds of duty and affection. As this cauſe never came to a trial, it is impoſſible to give an explicit determination on thoſe points which were abſolutely denied by the party accuſed *. Buckingham's plea.

At this time, the Commons ſent up a petition on the non-performance of the King's promiſe to the parliament at Oxford, to remove from all places of authority ſuch perſons as were convicted or ſuſpected of Popery. A liſt of eighty-eight, now employed in places of truſt, was inſerted in the body of the petition. Charles, enraged at this reproof, and impatient at the endleſs delays of what he termed the neceſſities of the ſtate, wrote a letter to the ſpeaker, in which he requires him to ſignify to the houſe, that he expected the bill of ſubſidies to be brought in forthwith, without Parl. Hiſt. vol. VII. p. 286.

* At this time the lord Conway made his reply to the articles alleged againſt him by Briſtol: His anſwer was an evaſive one, and too immaterial to be inſerted in this Hiſtory.

Anno 1626. out delay or condition; if not, it would force him to take other reſolutions. To this threatening meſſage the Commons returned a ſpirited anſwer, accompanying it with a petition for the removal of the duke of Buckingham from acceſs to the royal preſence. The arguments they made uſe of to perſuade the king to this condeſcenſion are remarkably reſpectful and affectionate: "Your majeſty, ſay they, hath been pleaſed to give many royal teſtimonies and arguments to the world how good and gracious a maſter you are: but the relation by which your majeſty ſtands towards your people do far tranſcend and are more prevalent and binding than any relation of a maſter towards a ſervant; and to hear and ſatisfy the juſt and neceſſary deſires of your people is more honorable than any expreſſions of grace to a ſervant. To be a maſter of a ſervant is communicable to many of your ſubjects; to be a king of a people is regal, and incommunicable to ſubjects."

The Commons petition againſt Buckingham.

This petition determined Charles to a ſudden diſſolution of the parliament. The Commons haſtened to draw up a remonſtrance againſt the duke of Buckingham, as the prime grievance of the ſtate; againſt the impriſonment of their members, contrary to the privilege of the houſe; and the illegal taking of tonnage and poundage, without conſent of parliament. This laſt they repreſented as the effect of new counſels, ſo often threatened by his majeſty, and explained by one of their own members *.

The revenue of tonnage and poundage had been ſometimes ſettled on the ſovereign during life; ſometimes it had been limited, and renewed from period to period, as a kind of memorial

* Sir Dudley Carleton.

that

that the repreſentatives of the people preſerved the power of conſent to this as to other taxes. The exorbitant impoſitions on merchandize during the two preceding reigns, a grievance which had been frequently and fruitleſsly complained of by the lower houſe, with ſome oppreſſive ones laid on by Charles, obliged the Commons to retain this check on the rapacious exactions of the crown, and a bill of tonnage and poundage, limited to a year, was brought in the firſt ſeſſion of his firſt parliament: The Lords refuſed to paſs the bill with this limitation, and Charles continued to exact tonnage and poundage, without being authorized by the legal conſent of Lords and Commons. Anno 1626.

The Commons were preparing a bill againſt this proceeding; but hearing that they were ſuddenly to be diſſolved, they haſtily drew up their remonſtrance and declaration, and every member, by an order of the houſe, was to have a copy of it delivered to him. When the King's intention to diſſolve the parliament was made known to the Lords, they ſent a very preſſing, though ineffectual petition, to diſſuade him from this precipitate meaſure. The King returned anſwer to the lords who came to intercede for a longer ſitting, that he would not defer his reſolution, no, not a minute. A commiſſion was immediately ſent down to put an end to the parliament, and the ſame day the earl of Arundel was confined to his houſe, and the earl of Briſtol to the Tower. Diſſolution of parliament. Sanderſon's Life of Charles, p. 58.

Charles publiſhed a declaration, ſetting forth the cauſes for aſſembling and diſſolving the two laſt parliaments. The whole of it is a narration of the frequent and fruitleſs demands he had made for a ſupply, with many reproaches on the Com-

Anno 1626. Commons for their determined inflexibility, and many impotent attempts to justify his own intemperate proceedings, and to blacken the conduct of the lower house*. The well-known facts, and rational principles, strongly urged in their remonstrance, were unanswered. This spirited performance directed the people to make a proper comment on the King's reasons for dissolving the two parliaments: That of Oxford to preclude from the next the leading popular members; and this last through fear of the ill success which might attend the favorite on the determination of his impeachment. After having represented the tyrannical proceedings of the crown, and the duke of Buckingham as the prime cause of all grievances, it concludes with this pathetic address to the King: "Give us then leave, most dear sovereign, in the name of all the Commons, prostrate at the feet of your sacred majesty, most humbly to beseech you, even for the honor of Almighty God, whose religion is directly undermined by the practice of that party which the duke supports; for your honor, which will be much advanced in the relieving of your people in this their great and general grievance; for the honor, safety, and welfare of your kingdom, which by this means is threatened with almost unavoidable dangers; and for the love which your majesty, as a good and loving father, bears unto your good people (by whom, we profess in the presence of Almighty God, the searcher of all hearts, your are as highly esteemed and be-

Parl. Hist. vol. VI. p. 318, & seq.

* The declaration has this remarkable exordium, that the King was prompted by his inclination to justify his conduct to his subjects, but that he did not think himself bound to give an account of his royal actions to any but to God, who had committed to his charge these realms and dominions. *Rush. Hist.* vol. VII. p. 300.

loved

loved as ever any of your predeceſſors were) that you would be graciouſly pleaſed to remove this perſon from acceſs to your ſacred preſence; and that you would not balance this one man with all theſe things, and with the affairs of the Chriſtian world, which do all ſuffer ſo far as they have relation to this kingdom, chiefly by his means. For we proteſt to your majeſty, and to the whole world, that until this great perſon be removed from intermeddling with the great affairs of ſtate, we are out of hope of any good ſucceſs; and do fear that any money we ſhall or can give, will, through his miſ-employment, be turned rather to the hurt and prejudice of this your kingdom, than otherwiſe, as by lamentable experience we have found in thoſe large ſupplies formerly and lately given. But no ſooner ſhall we receive redreſs and relief in this (which of all others is our moſt inſupportable grievance), but we ſhall forthwith proceed to accompliſh your majeſty's own deſire for ſupply; and likewiſe with all chearfulneſs apply ourſelves to the perfecting of divers other great things, ſuch as we think no one parliament in one age can parallel, tending to the ſtability, wealth, ſtrength, and honor of this your kingdom, and the ſupport of your friends and allies abroad: And we doubt not but, through God's bleſſing, as you are the beſt, ſo you ſhall be the beſt-beloved and greateſt monarch who ever ſat on the royal throne of this famous kingdom." Anno 1626.

CHAP.

CHAP. II.

Violent meaſures of the court.——A loan exacted.——Commitment of many who refuſed.——Trial concerning the King's power of commitment.——War with France.——Expedition to the Iſle of Rhee.——Diſtreſſed ſtate of the Rochellers.——Third parliament.——The judges queſtioned by the houſe of Lords.——Petition of Right.——Prorogation of the parliament.

Anno 1626. CHARLES and the Commons had parted with all the marks of diſſatisfaction, diſtruſt, and animoſity, which could be decently or ſafely expreſſed by either party. This buſy parliament was prematurely diſſolved, before one public meaſure had been determined, or one ſtatute enacted; and this at a criſis when the King's foreign engagements, and the more intereſting concerns of perſonal honor, rendered the diſſolution of the parliament a meaſure liable to conſtructions of the moſt infamous nature; at a period when filial piety, and a juſt regard for honeſt fame, exacted a ſtrict enquiry into the criminal accuſation of poiſon, ſtrongly hinted at in one of the articles of Buckingham's impeachment. But ſo great was the fond infatuation of this imprudent prince, that, to reſcue his favorite from the iſſue of a legal trial, he plunged into inextricable difficulties, and incurred the odium of being an accomplice with a man whoſe actions could not ſtand the teſt of examination. Incurable was the wound which this precipitate ſtep gave to Charles's reputation; and, to ſubject it ſtill more to ſuſpicion, a kind of mock proceſs was carried on in

the Star-chamber againſt Buckingham, for high offences and miſdemeanors, and in particular for having adminiſtred medicines to the late King. The ridicule of this expedient was heightened by the affair being dropt before it came to a judicial hearing. Anno 1626.

At the ſame time the King publiſhed his declaration, a proclamation was iſſued for ſuppreſſing the remonſtrance of the Commons. This act of power was conſidered by the public in a light which did little honor to the royal cauſe.

Reſolutely as the houſe of Commons had withſtood the haughty demands of the King, it is very apparent that had he been prevailed on to drop his unpopular attachment, and to retract his arbitrary meſſages and ſpeeches, their grants would have been liberal. After the impeachment was ſettled, they had added a fourth ſubſidy to the three already voted, and were drawing a bill of tonnage and poundage, when the King's laſt peremptory letter gave an entire change to their debates, and produced that petition againſt Buckingham which occaſioned the haſty diſſolution of the parliament.

Charles's cabinet-council was compoſed of men who owed the whole advancement of their fortune to the favorite: Laud, now biſhop of Bath and Wells; Neil, biſhop of Wincheſter; Conway, the ſecretary of ſtate; and Weſton, the lord-treaſurer; men of weak heads and bigoted principles; who, beſides their attachment to a deſperate miniſter, were, from their particular prejudices, violently bent to oppoſe the temper of the times, yet deſtitute of thoſe miniſterial arts which cajole into acquieſcence the eaſy multitude: Force was the only expedient which miniſters of ſuch limited capacities could practiſe to ren-

Anno 1626. render the people obedient, under the preſent unpopular ſyſtem of government. Buckingham, ever averſe to moderate counſels, was now rendered furious by the treatment he had received from the Commons. Charles, with the diſadvantages of inexperience, a peculiar obſtinacy of temper, and a blind attachment to his favorite, had conceived an ineffable contempt for popular privileges, with the moſt exalted notions of ſublime authority in princes: Conceſſions he looked upon as derogations to the honor of a king, and oppoſition in ſubjects as ſuch a flagrant breach of divine and moral laws, that it called down from Heaven a ſure and heavy vengeance on the aggreſſors. The Deity he regarded as in a manner bound to defend the ſacred cauſe of majeſty. Theſe opinions were corroborated by the fulſome doctrine which was continually broached by the eccleſiaſtical paraſites who ſurrounded him. Such being the prejudices of this infatuated monarch, he was carried with the utmoſt facility into meaſures which had never been practiſed but by the weakeſt and the moſt indiſcreet of his predeceſſors; meaſures which had almoſt always been attended with perſonal deſtruction.

Violent meaſures of the court. Whitlock, p. 6, & ſeq.

The threat which Charles had made to the Commons of new counſels was now put in execution: The privy-council, compoſed of ſervile dependants on Buckingham, made no difficulty to reſolve that the king might continue to take duties upon goods and merchandize, in the ſame manner as they had been levied in the late reign. On this reſolution a proclamation was iſſued, commanding the ſubject to ſubmit to this tax, under the penalty of impriſonment. A commiſſion was openly granted to the archbiſhop of York and others, to compound with recuſants, and treat

for a diſpenſation of the penal laws enacted againſt them. A loan of one hundred thouſand pounds having been refuſed by the city of London, that city and all the maritime towns were required to provide a certain number of armed veſſels, to conſtitute a fleet. For the legality of this demand, Noy, a once-popular lawyer, but now corrupted by the promiſe of court-preferment, had rummaged up ſeveral obſolete precedents, taken from the moſt tyrannical times; precedents in ſome meaſure warranted by immediate neceſſity, but which could with no propriety be adapted to the preſent circumſtances. Not only the city of London, which was rated at twenty ſhips, but the deputy-lieutenants and juſtices of the peace of Dorſetſhire, remonſtrated againſt the impoſition. They were ſharply reproved by the council, and told, that ſtate-occaſions and the defence of the kingdom, in times of extraordinary danger, were not to be guided by ordinary precedents; that the precedents of former times were obedience, not direction, and that precedents were not wanting for the puniſhment of thoſe who diſobeyed his majeſty's command, ſignified by that board. Theſe threats terrified the parties into immediate ſubmiſſion. Several inhabitants of the maritime towns, to exempt themſelves from the impoſition, had withdrawn to inland places; but they were all commanded to return to their former ſettlements. A benevolence was demanded from all ranks of people. To prevent the danger of a vigorous oppoſition to theſe exactions, commiſſions were given to the lord-lieutenants of the ſeveral counties to muſter the ſubjects able to bear arms, and array them in martial order, fit to lead out againſt public enemies, rebels, traitors, and their adherents, within

Anno 1626.

Ruſhworth, p. 416.

Anno 1626. within the counties of their lieutenancy; to repreſs, ſlay, and ſubdue them; and to execute martial law, ſparing and putting to death according to diſcretion.

To deceive the public into a belief that theſe formidable proceedings were neceſſary to ſecure the ſafety of the realm, general faſts were proclaimed, and the following reaſon ſpecified; namely, "To divert the judgments of God, threatening this land with a powerful invaſion." The engine Religion was here introduced in vain; the pretence was too ſhallow to impoſe even on the moſt ignorant: It was no ſecret to the public, that though Charles had raſhly and wantonly provoked the Spaniard by an ill-conducted attack on Cadiz, yet that monarch had given no ground to ſuſpect he intended to revenge, by a ſimilar enterprize, the impotent attempt; and England had not yet incurred the reſentment of any other naval power.

Rapin, vol. X. p. 108. Among the many expedients practiſed by the miniſtry to raiſe money, the crown-lands were granted to be holden in fee-farm; a meaſure ruinous to the future intereſt of the ſovereign. But this conſideration had no weight with Charles; he had projected ſchemes to deſtroy the right of *meum & tuum* throughout the land, and to ſubject the whole property of the ſubject to the diſpoſal of the crown.

The meaſures the government had yet uſed did not produce a ſupply adequate to the demands of the monarch. Benevolence-money came in very ſlowly, and the whole nation ſhewed ſuch a reluctance to comply with the arbitrary tax, that the miniſtry were obliged to practiſe compulſive methods to enforce obedience.

An

An important battle which was at this time fought in Germany, between the king of Denmark and the Imperialiſts, put an end, for a time, to the diſputes on the continent. The emperor had raiſed three armies to oppoſe three diviſions of the allied forces, under the king of Denmark, count Mansfeldt, and Chriſtian duke of Brunſwick. Two of them were commanded by the able generals, Tilly and Wallenſtein. Mansfeldt was defeated by Wallenſtein, and his army almoſt all cut to pieces. The loſs to the allies was irreparable, by the death of Mansfeldt, and that of the duke of Brunſwick, which ſoon followed this event. The king of Denmark, the only remaining commander, was afterwards attacked by Tilly, and obliged to retire, with the loſs of ſix thouſand men *, and all his cannon and baggage. Anno 1626. 28th Auguſt.

When the news of this diſaſter arrived in England, the miniſtry redoubled their efforts to get money: A loan was exacted to the full proportion of the four ſubſidies and three fifteenths voted laſt parliament. The nobility and officers of the crown were recommended to ſet an example of obedience, and to repair to their ſeveral counties, to promote that diſpoſition in others. On this occaſion Sir Randolph Crew, a very worthy magiſtrate, not ſhewing a zeal for the buſineſs, was diſmiſſed from his office of lord-chief-juſtice, and Sir Nicholas Hyde, a lawyer of a tried compliant conduct, ſucceeded in his room. He had rendered himſelf peculiarly meritorious by the Ruſhworth, vol. I. p. 418, & ſeq. A loan exacted.

* Three thouſand were killed, and three thouſand taken priſoners. Six thouſand foot-ſoldiers, in the ſervice of the States, were remanded, and ſent to join the king of Denmark, beſides thirteen hundred foot, which were ſent from England. *Ruſhworth*, vol. I. p. 421.

Anno 1626. pains he had taken in drawing Buckingham's anſwer to his impeachment. Theſe following inſtructions, among divers others, were given to the commiſſioners appointed to levy the loan:

"That they treat apart with every one of thoſe who are to lend, and not in the preſence or hearing of any other, unleſs they ſee cauſe to the contrary; and if any ſhall refuſe to lend, and ſhall make delays and excuſes, that they examine ſuch perſons upon oath whether they have been dealt withal to refuſe to lend, or make an excuſe for not lending? who hath dealt ſo with them? and what ſpeeches he or they have uſed tending to that pupoſe? and that they ſhall alſo charge every ſuch perſon, in his majeſty's name, upon his allegiance, not to diſcloſe to any other what his anſwer was:

"That they endeavor to diſcover whether any, publicly or underhand, be workers or perſuaders of others to diſſent from this courſe, or hinder the good diſpoſition of others; and that, as much as they may, they hinder all diſcourſe about it; and certify to the privy-council in writing the names, qualities, and dwelling-places of all ſuch refractory perſons, with all ſpeed, and eſpecially if they ſhall diſcover any combination or confederacy againſt theſe proceedings."

So vain an attempt to ſecrecy, with the mixture of craft and tyranny found in theſe inſtructions, expoſed to the public as well the weakneſs as the villainy of their governors. Many knights and gentlemen who refuſed to give their money on theſe arbitrary mandates were put under confinement in counties remote from their abodes. The priſons all over the kingdom were full of illuſtrious ſufferers. Sir John Elliot, confined in the Gatehouſe, ſent up a well-framed petition to the

Commitment of many who refuſed.

the King for his liberty: He ſhewed the illegality of his commitment, grounding his requeſt on ſeveral ſtatutes which he cited, and by which he demonſtrated that the King could not make arbitrary exactions on his ſubjects, nor could the ſubjects lawfully ſubmit to them *. The five following gentlemen, Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Hevingham, and Sir Edward Hamden, reſolutely ſtood the reſentment of the miniſtry; and at their own expence defended, by a legal proceſs, the liberties of their country. Anno 1626. Ruſhworth, vol I. p. 458, & ſeq.

The queſtion whether a ſubject could be confined by the ſpecial command of the King, without aſſigning the cauſe, was brought to a trial before the King's Bench, in the caſe of Sir John Corbet. The counſel for the priſoner were Noy, Selden, Bramſton, and Calthrop. Theſe made it appear, that, by the charter of king John, and ſix ſeveral ſtatutes, no man could be juſtly impriſoned, either by the King or council, without a legal proceſs; and that the cauſe of the commitment ought to be expreſſed in the return, that the judges might be enabled to determine whether it was a lawful one. Notwithſtauding theſe unqueſtionable authorities, Sir Nicholas Hyde gave it as the reſolution of the court, that the King's ſpecial order for the commitment was a ſufficient cauſe to make the matter of the return good †, and that on theſe premiſes the priſoners muſt be remanded back ‡. The proſtitution of Trial concerning the King's power of commitment.

* The Roman Catholics were all extremely forward to comply with this illegal tax.

† The other judges at this time on the bench were Doderidge, Jones, and Whitlock.

‡ Heath, the attorney-general, preſſed the court to enter a general judgment, that no bail could be granted upon a commitment by the King or council. The judges refuſing

Anno 1626. juſtice in this caſe was apparent to the whole nation, and the unanſwerable precedents and arguments * which had been urged by the fore-men-

to go thus far, the ſame Heath, attorney-general, that it might ſtand upon record that any ſubject committed by ſuch abſolute command might be detained in priſon for ever, gave a poſitive direction to the clerk of this court to make a ſpecial entry of a draught of the judgment. The parliament meeting ſoon after, Heath thought proper to withdraw the draught from the clerk's hand. On this occaſion Sir Edward Coke made the following obſervation in the houſe of Commons: "I fear, ſays he, were it not for this parliament, which followed ſo ſoon after the form of judgment was drawn up, there would have been hard putting to have had it entered; but a parliament bringeth judges, officers, and all men into good order." *Parl. Hiſt.* vol. VII. p. 385. *& ſeq.*

* The principal arguments urged by the lawyers were theſe which follow:

Ephemeris Parliamentaria, 1654, p. 112, & ſeq.

"The writ of Habeas Corpus, ſaid ſerjeant Brampſton, is the only means the ſubject hath to obtain his liberty; and the end of this writ is to return the cauſe of the impriſonment, that it may be examined in this court whether the parties ought to be diſcharged or not: But that cannot be done upon this return; for the cauſe of the impriſonment of this gentleman, at firſt, is ſo far from appearing particularly by it, that there is no cauſe at all expreſſed in it.

"This writ requires that the cauſe of the impriſonment ſhould be returned; and if the cauſe be not ſpecially certified by it, yet ſhould it at the leaſt be ſhewn in general, that it may appear to the judges of the court; and it muſt be expreſſed ſo far, as that it may appear to be none of thoſe cauſes for which, by the law of the kingdom, the ſubject ought not to be impriſoned; and it ought to be expreſſed that it was by preſentment or indictment, and not upon petition or ſuggeſtion made to the King and lords, which is againſt the ſtatute made in 25 Ed. III. c. iv. 42 Ed. III. c. iii.

"By the ſtatute 25 Ed. III. c. iv. it is ordained and eſtabliſhed, that no man from henceforth ſhall be taken by petition or ſuggeſtion made to the King and lords, but by indictment or courſe of law; and accordingly it was enacted, 42 Ed. III. c. iii. the title of which ſtatute is, None ſhall be put to anſwer an accuſation made to the King, without preſentment. I beſeech your lordſhip to obſerve the conſequence of this cauſe: If the law be, that upon this return, this gentleman ſhould be remanded, I will not diſpute whether

tioned able lawyers on the ſide of Freedom, Anno 1626.

ther or no a man may be impriſoned before he be convicted according to the law; but if this return ſhall be good, then his impriſonment ſhall not continue for a time, but for ever, and the ſubjects of this kingdom may be reſtrained of their liberties perpetually, and by law there can be no remedy for the ſubject; and therefore this return cannot ſtand with the laws of the realm, or that of Magna Charta, nor with the ſtatute of 28 Ed. III. c. iii. for if a man be not bailable upon this return, they cannot have the benefit of theſe two laws, which are the inheritance of the ſubject. If your lordſhip ſhall think this to be a ſufficient cauſe, then it goeth to a perpetual impriſonment of the ſubject; for in all thoſe cauſes which may concern the King's ſubject, and are applicable to all times and caſes, we are not to reflect upon the preſent time and government, where juſtice and mercy floweth, but we are to look what may betide us in the time to come."

"I will be bold, ſaid Mr. Noy, to inform your lordſhip, touching the ſtatute of Magna Charta, c. xxix. *Nullus liber homo capiatur, vel impriſonetur, &c. nec ſuper eum mittimus niſi per legale judicium parium ſuorum, vel per legem terræ.*

"That in theſe ſtatutes theſe words *in carcerem*, are omitted out of the printed books, for it ſhould be *nec eum in carcerem mittimus*. For theſe words, *per legem terræ*, what *lex terræ* ſhould be I will not take upon me to expound, otherwiſe than I find them to be expounded by acts of parliament; and this is, that they are underſtood to be the proceſs of the law, ſometimes by writ, ſometimes by attachment of the perſon; but whether *ſpeciale mandatum domini regis* be intended by that or no, I leave it to your lordſhip's expoſition, upon two petitions of the Commons, and anſwer of the King, in 36 Ed. III. n. 9. n. 20.

"In the firſt of them the Commons complain that the Great Charter, the Charter of the Foreſt, and other ſtatutes, were broken; and they deſire that, for the good of himſelf and his people, they might be kept and put in execution, and that they might not be infringed by making arreſt by ſpecial command or otherwiſe. And the anſwer was, that the aſſent of the lords eſtabliſhed and ordained that the ſaid charter and other ſtatutes ſhould be put in execution, according to the petition, and that is without any diſturbance by arreſt, by ſpecial command, or otherwiſe, for it was granted as it was petitioned. In the ſame year, for they were very careful of this matter, and it was neceſſary it ſhould be ſo, for it was then an uſual thing to take men *quibuſdam de cauſis*,

Anno 1626. opened the eyes of the public to the knowledge of

fit, and many of these words caused many acts of parliament, and it may be some of these writs may be shewn; and, I say, in the same year, they complained that men were imprisoned by special command, and without indictment, or legal course of law; and they desired that that thing might not be done upon men by special command, against the Great Charter.

"The King makes answer, that he is well pleased therewith; that was the first answer: And for the future he hath added further, If any man be grieved let him complain, and right shall be done unto him. This, my lord, is an explanation of the Great Charter, as also the statute of 37 Ed. III. c. xviii. is a commentary upon it, that men should not be committed upon suggestion made to the King, without due proofs of law against them; and so it is enacted twice in one year. Hussey, chief-justice, saith, that Sir John Markham told king Edward IV. that he could not arrest a man upon suspicion of felony or treason, as any of his subjects might; because if he should wrong a man by such arrest the parties could have no remedy against him."

"Now, my lord, said Mr. Selden, I will speak a word or two to the matter of the return, and that is touching the imprisonment *per speciale mandatum domini regis*, by the lords of the council, without any cause expressed; and admitting of any or either of both these to be the return, I think, by the constant and settled laws of this kingdom, without which we have nothing, no man can be justly imprisoned by either of them, without a cause of the commitment expressed in the return. My lord, in both the last arguments the statutes have been mentioned and fully expressed, yet I will add a little to what hath been said. The statute of Magna Charta, c. xxix. that statute, if it were fully executed, as it ought to be, every man would enjoy his liberty better than he doth. The law saith expresly, No man shall be imprisoned without due process of the law, out of the very body of this act of parliament. Besides the explanation of other statutes, it appears, *Nullus liber homo capiatur, vel imprisonetur, nisi per legem terræ*. My lord, I know these words, *legem terræ*, do leave the question where it was, if the interpretation of the statute were not. But I think, under your lordship's favor, there it must be intended by due course of law, to be either by presentment or indictment.

"My lord, if the meaning of these words, *per legem terræ*, were but as we use to say, according to the laws, which leaves the matter very uncertain, and *per speciale mandatum*,

&c.

their just rights, and the violation those rights had Anno 1626.

&c. be within the meaning of these words, according to the law, then this act had done nothing. The act is, no freeman shall be imprisoned but by the law of the land; if you will understand these words, *per legem terræ*, in the first sense, this statute will extend to villains, as well as to freemen; for if I imprison another man's villain, the villain may have an action of false imprisonment. But the lords and the King, for them they both had villains, might imprison them, and the villain could have no remedy. But these words in the statute, *per legem terræ*, were to the freemen, who ought not to be imprisoned but by due process of law; and unless the interpretation shall be this, the freeman shall have no privilege above the villain. So that I conceive, my lord, these words, *per legem terræ*, must be here so interpreted as in the 42 Eliz. The bill is worth the observing; it reciteth that divers persons, without any writ or presentment, were cast into prison, &c. that it might be enacted that it should not be done hereafter, the answer there is, that this is an article of the Great Charter; this should be granted. So that it seems the statute is not taken to be an explanation of that of Magna Charta, but the very words of the statute of Magna Charta."

"As concerning the matter of the return, said Mr. Calthrop, it will rest upon these parts: First, whether the return be that he is detained in prison by the special commandment of our lord the King, be good or not, without shewing the nature of the commandment, or the cause whereupon the commitment is grounded in the return. The second is, whether the time of the first commitment by the commandment of the king, not appearing to the court, is sufficient to detain him in prison. Thirdly, whether the imprisonment of the subjects, without cause shewn, but only by the commandment of the king, be warrantable by the laws and statutes of this realm. As unto the first part, I find by the books of our law that commandments of the king are of several natures; by some of which the imprisonment of a man's body is utterly unlawful; and by others of them, although the imprisonment may be lawful, yet the continuance of him without bail or mainprize will be utterly unlawful. There is a verbal command of the King's, which is by word of mouth of the King only, and such commandment by the King, by the books of our law, will not be sufficient either to imprison a man, or to continue him in prison. Secondly, there is a commandment of the king by his commission, which, according unto

Anno 1626. suffered by an uninterrupted series of illegal exertions of power.

unto Calvin's case in the seventh report, it is called by him *brevve mandatum non remediabile*; and by virtue of such a commandment the king may neither seize the goods of his subject, nor imprison his body, as it is resolved in 42 Ass. pl. 5. where it is agreed by all the justices, that a commission to take a man's goods, or imprison his body, without indictment or suit of the party, or other due process, is against the law. Thirdly, there is a commandment of the King which is grounded upon a suggestion made to the King or to his council; and if a man be committed to prison by such a suggestion by commandment of the King, it is unlawful, and not warranted by the law of the realm. The 25 Ed. III. c. iv. *de provisoribus*, whereas it is contained in the Great Charter of the franchises of England, that none shall be imprisoned or arrested of his freehold or of his franchises, nor of his free customs, but by the law of the land.

"It is awarded, consented, and established, that from henceforth none shall be taken by petition or suggestion made to our sovereign lord the King, or to his council, until it be by indictment or presentment of his good and lawful neighbors where such deeds are done, in due manner, or by process, made by writ original at the common law; nor of his freehold, unless he be duly brought in, and answer, and forejudged of the same by way of law; and if any thing be done against the same it shall be redressed and holden for nought.

"37 Ed. III. c. x. Although it be contained in the Great Charter, that no man be taken or imprisoned, or put out of his freehold, without due process of the law, nevertheless divers persons make false suggestions to the King himself, as well for malice as otherwise, whereof the King is often grieved, and divers of the realm put in great damages, contrary to the form of the same statute:

"Wherefore it is ordained, that all they who make such suggestions be sent, with their suggestions, to the chancellor or treasurer, and they and every of them find sureties to pursue their suggestions; and endure the same pain which the other should have had, if in case that his suggestion be found untrue; and that then process of the law be made against them: without being taken or imprisoned, against the form of the same charter, nad other statutes.

"So that it appears by these several statutes, that such commandments of the King as are grounded upon suggestion, either made to himself or to his council, for the imprisonment of a man, are against the law.

Fourthly,

Imprisonment was not the only punishment made use of to awe the discontented nation: Sol-

Anno 1626.

Rushworth, vol. I. p. 419, & seq.

"Fourthly, I find that there is a commandment of the King which is made under his hand with his signet; for in the fourth and the fifth of Philip and Mary, Dier. 162, where the statute of 1 Rich. II. c. xi. restraineth the warden of the Fleet for letting any man at large who is in upon judgment at the suit of any man, except it be by writ or other commandment of the King, it was doubted whether the queen, by letter under her hand and privy signet, doth give commandment to the warden of the Fleet to suffer a man who is there in execution to go about his business, or the affairs of the queen, whether this be a warrantable command or not within the statute. And the law hath always been conceived upon that book, that such a commandment is not warrantable by law; and if such a command will not serve the turn to give unto a man his liberty, which the law favoreth, and had the countenance of an act of parliament for doing it, then I conceive it should be a more strong case, the King should not have power by his commandment to imprison a man without due process of the law, and restrain him of his liberty, when there had been so many acts of parliament made for the liberty of the subjects. Fifthly, I do find that there is the commandment of the King, which is by his writ under the great seal, or the seal of the court out of which it issueth, Regist. f. 69 & 70. In the writ *de cautione admittenda* I find the words *mandatum regis* expounded to be *breve regis*, for the writ goeth *rex vic' salutem*, &c. Stamf. 72, 5 Ed. III. c. viii. 1 Ed. III. c. iii. ix. saith, that every Capias in a personal action is a commandment of the King, for it is *præcipimus tibi quod capias*, &c. and yet the defendant, as there it is said, is replevisable by the common law. Sixthly, I do find by our books of law, and by the register, that this special *mandatum domini regis* is expounded to be his writ, and that the law taketh no notice of any other *speciale mandatum* than by this writ; the which being so when the return is made, that he is imprisoned and detained in prison by the special commandment of the King, how can the court adjudge upon this return, that Sir John Corbet ought to be kept in prison, and not to be bailed, when the nature of the special commandment is not set forth in the return, whereby it may appear unto the court that he is not bailable."

Mr. Calthrop finished this long discourse with quoting many statutes, and the authority of precedents, to prove that the special command of the king, without shewing the nature

Anno 1626. diers were billeted on all thoſe of ſubſtance who had given, by their words or actions, any offence to the government. The poorer ſort were preſſed into the fleet and army *. Sir Peter Hayman was diſpatched on a frivolous errand into the Palatinate. Glanville, an eminent lawyer, but obnoxious to the crown, had been forced, during the former interval of parliament, to accept of an office which had obliged him to go on the expedition to Cadiz, to the great detriment of his fortune. Martial law was enforced; the lives of the ſoldiers put in the power of their officers. The cognizance of offences taken out of the proper courts, and judicial deciſions rendered arbitrary in matters of life and death. Notwithſtanding a power ſo incompatible with the civil privileges of the nation, the ſoldiers broke out into great diſorders. Robberies, rapes, cruelties, murders, frequently committed, filled up the meaſure of miſery under which the nation groaned. That the people might learn to kiſs the rod of power with devotion, and, becoming ſlaves by principle, reverence the yoke, prieſts were inſtructed to teach ſpeculative deſpotiſm, and graft on religious affections ſyſtems of civil tyranny. The following paſſages are in two ſermons which Manwaring, a court-chaplain preached before Charles: "That the King is not bound to obſerve the laws of the realm concerning the ſubjects' rights and

nature of the command, was an illegal form of commitment; and that on a return of *ſpeciale mandatum domini regis*, without other cauſe ſhewn for impriſonment, Sir John Corbet ought to obtain his liberty.

* Such was the oppoſition to theſe illegal exactions, that though ſome of the poorer ſort were offered to have their money returned if they would ſubſcribe, they abſolutely refuſed, and ſuffered themſelves to be preſſed into the ſea-ſervice rather than comply. *Ruſhworth*, vol. I. p. 442.

liberties; but that his royal will and command Anno 1626.
in impoſing loans and taxes, without common conſent in parliament, doth oblige the ſubjects' conſcience, upon pain of eternal damnation: That thoſe who refuſed to pay the required loan offended againſt the law of God, and the King's ſupreme authority, and became guilty of impiety, diſloyalty, and rebellion: That the authority of parliament is not neceſſary for the raiſing aids and ſubſidies; and that the ſlow proceedings of ſuch great aſſemblies are not fitted for the ſupply of the ſtate's urgent neceſſities, but would rather produce ſundry impediments to the juſt deſigns of princes." At the ſame time Sibthorp, an officious time-ſerving eccleſiaſtic, publiſhed a ſermon he had preached at Northampton, entitled, "Apoſtolic Obedience." It breathes a higher ſtrain than thoſe of Manwaring; viz. "That the prince who is the head makes his court and council, it is his duty to direct and make laws; he doth whatſoever pleaſes him, and who may ſay unto him, What doſt thou? If princes command any thing which ſubjects may not perform, becauſe it is againſt the laws of God, or of nature, or impoſſible, yet ſubjects are bound to undergo the puniſhment, without either reſiſtance or railing or reviling, and ſo to yield a paſſive obedience where they cannot exhibit an active one; and I know no other caſe, ſaid the ſpeaker, but one of thoſe three wherein a ſubject may excuſe himſelf with paſſive obedience; in all others he is bound to active obedience*."

* Biſhop Laud was employed to draw up certain inſtructions relative to the loan. Theſe inſtructions were ſent to the two archbiſhops, to be diſperſed among the inferior clergy, and publiſhed in all the pariſhes of the realm.

Laud had not only aſſented to the licenſing Sibthorp's ſermon, but had expunged out of it ſeveral paſſages which did not

Anno 1626. Charles had the imprudence not only openly to patronize ſuch infamous doctrines, but gave his ſubjects to underſtand, that his pretenſions were as alarming as the irrational aſſertions advanced by theſe ſycophants. Archbiſhop Abbot, that humane and popular prelate, was ſequeſtered from his juriſdiction, and confined to one of his houſes in Kent, without other ground of complaint than the refuſing to licenſe Sibthorp's ſermon. Williams, the late keeper, did not eſcape the cenſure of the party: An information was ſent up againſt him to the lords of the council for encouraging Puritans. Laud's reſtleſs jealouſy of this man haunted him in his ſleep *.

Whilſt England carried the face of a conquered province; whilſt the liberties and properties of the ſubject lay proſtrate at the mercy of a raſh imperious monarch, a rapacious inſolent miniſter, and a deſigning bigoted prieſt †; whilſt priſons were daily filling with patriots; great preparations were making for foreign hoſtilities.

Had Charles made uſe of the money he had tyrannically extorted from his ſubjects to ſupport the king of Denmark, who had been enticed into

not entirely agree with the inclinations of the court; ſuch as againſt evil counſellors, the toleration of Papiſts, and the profanation of the Lord's-Day. *Complete Hiſt.* ed. 1706, vol. III. p. 33, *& ſeq. Prynne's Hiſt. of the Trial of Laud*, p. 445.

* It is tranſmitted from his own authority, that at this time he was made uneaſy by a dream which repreſented the biſhop of Lincoln brought to him in chains; but that he returned freed from them; that he leaped upon a horſe, departed, and he could not overtake him. *Laud's Diary in Prynne's Breviate of his Life*, fol. ed. 1644, p 9.

† This was Laud, whoſe furious principles had ſo ingratiated him with the king and his miniſter, that he directed all the eccleſiaſtical affairs, and no one was preferred in the church but by his recommendation. *Prynne's Breviate of the Life of Laud*, p 6.

the

the German quarrel by his importunities and promiſes, he would in this point have anſwered the expectations of the public; but, to the aſtoniſhment of all men, a ſquadron which had been ſent to lie in the mouth of the Elbe, to prevent the Spaniards furniſhing themſelves with materials for ſhipping from that country, was recalled, and the paſſage by the Sound to the king of Denmark's dominions left undefended. A reſolution was haſtily taken to break with France. Charles, at the time he was embroiled with his own ſubjects, and thus deprived of the counſels of all the wiſe and virtuous in his kingdom; worſted in all his warlike attempts; unſupplied with any treaſure, but what he attained by the moſt exaſperating meaſures; before he had accommodated matters with the houſe of Auſtria, wantonly attacked the next great power in Europe. If we trace the incentives to this extravagantly-imprudent ſtep, we ſhall find them all center in the levity of the impetuous Buckingham; a man whom fate had deſtined to be the bane of his two patrons, and in whom we ſee a ſtriking example of that ill judgment which commonly directs the favor of princes. Anno 1626. Hume.

The ſplendor which ſurrounded Buckingham at the time when he was diſpatched to France, to conduct Henrietta-Maria into England, did not a little dazzle a court uncommonly apt to be affected with empty appearances. This, and the importance of his employment, had occaſioned his reception to be more than ordinarily magnificent, gracious, and friendly. In the midſt of thoſe ſcenes of gaiety, pleaſure, and diſſipation, which this occaſion produced, ſome favorable glances inſpired him with the hopes of entering into an amorous intrigue with no leſs conſpicuous

Anno 1626 a perſonage than Ann of Auſtria, the young queen of France; whom report avers to have been extremely taken with the gaudy appearance and familiar manners of the Engliſh favorite; the progreſs of whoſe amour, during his abode at Paris, was diſappointed by the watchful Richlieu; but Buckingham, with a temerity peculiar to himſelf, on a ſlight pretence left Henrietta-Maria at Bouloign, and returned to Amiens, where he had a ſecret interview with the French queen, who had accompanied her ſiſter-in-law thus far on her journey. This coming to Lewis's ear, the queen's domeſtics werere diſmiſſed, and that monarch entertained a high reſentment againſt Buckingham on the unparalleled inſolence of his conduct. When he was making, on a frivolous pretence, preparations for another embaſſy to Paris, he received a meſſage from Lewis, that he muſt lay aſide the deſign of ſuch a journey. On the receipt of this meſſage he romantically ſwore, that he would ſee the French queen in ſpite of all the power of France; and from that moment he endeavored to make a rupture between the two monarchs.

He was ſoon ſupplied with pretences to forward ſuch a diſpoſition; Charles had been uſed extremely ill by the French court on ſeveral occaſions. It was with great difficulty he had obtained the reſtoration of his ſhips, even after they had performed the ſtipulated ſervice at Rochelle. Though Lewis had given him great hopes that he would enter heartily into the alliance againſt the Auſtrian family, yet this was no farther proſecuted than was neceſſary to make an advantageous treaty with the court of Spain. Charles's reſentment of theſe provocations was much heightened by the treatment he had met with from his

own

own queen, who had carried herſelf with an inſup- Anno 1626.
portable inſolence of behavior from the firſt of their union; a period of time when this princeſs had not arrived to more than ſixteen years of age. She had an admired perſon, and a vivacity that gave her a quickneſs in repartee, which was generally miſtaken for the ſuperior endowment of underſtanding. The vanity which theſe ſuperficial qualifications excite in a young female mind, was in her much heightened by circumſtances ariſing from her particular ſituation. The great conceſſions which Charles had made for a wife muſt naturally inſpire a high idea of ſelf-importance in the deſtined bride; and ſuch was the general opinion in the French court of the vaſt influence which this princeſs would have on the future conduct of her huſband and father-in-law, that on theſe grounds father Berulle aſſured the pope, "That the propoſed marriage would be not only for the benefit of the Engliſh Catholics, but of all the Catholics in Chriſtendom; that there was nothing to be hazarded in madame, ſeeing that ſhe was as firm in the faith and in piety as he could deſire. On the contrary, he had great cauſe to hope that ſhe, being dearly beloved of the King, who was already well enough diſpoſed to be a Catholic, and of the prince of Wales, ſhe might by ſo much the more contribute to their converſion, as women have wonderful power over their huſbands and fathers-in-law, when love has given them the aſcendant over their ſpirits; that madame was ſo zealous in religion, that there was no doubt but ſhe would employ in this pious deſign all which depended upon her induſtry; and that if God ſhould not bleſs her intentions in the perſons of king James, and of the prince of Wales, it was apparent that their children would be the

Anno 1627. reſtorers of the faith which their anceſtors had deſtroyed, ſeeing ſhe would have the charge to educate them in the belief, and in the exerciſes of the Catholic religion, till the age of thirteen years."

It is eaſy to imagine what effect inſtructions and inſinuations like theſe muſt have on a young, vain, and bigoted mind; and what muſt be the conduct produced from a conjunction of inexperience, vanity, and enthuſiaſm. The inſolent airs which this young queen aſſumed to her huſband, diſputing with him on all points, aſſerting that he had no right to meddle or preſume to give advice on the nomination of her domeſtics, or the ordering her houſhold; the performing a ridiculous penance * to Tyburn, which had been enjoined her by her prieſts, there to pay devotion to the martyrs who had ſuffered in the Popiſh cauſe: theſe, and the continual altercations occaſioned by the petulance and abſurd pretenſions of her French attendants, obliged Charles to diſmiſs them from their miſtreſs's ſervice, and ſend them out of his dominions.

It was ſome time before this period that domeſtic diſputes had ariſen to ſuch a height between this pair, that Henrietta had earneſtly deſired leave to return to Paris, there to reſide for ſome time: This requeſt had been granted her by the intereſt of Buckingham, but on the condition of his attending her. When this condition was made known to the court of France, it produced that denial from Lewis which has been related above; and the enraged and diſappointed Buckingham found it eaſy to inſpire with the ſame paſſions the facile diſpoſition of his maſter, already

* This penance was performed barefooted.

chagrined

chagrined with conjugal diſcord, and with the many provocations which he had received from his brother-in-law the French king. Anno 1627.

A triple alliance was formed by the king of England, the duke of Savoy (who had been left expoſed to the Spaniard, through the perfidious conduct of the French miniſtry), and the duc de Rohan, the head of the Hugonot party in France. This alliance had been effected by means of the duc de Soubize, brother to the duc de Rohan, and the abbot de Scaglia, ambaſſador from the duke of Savoy. They had both reſided for ſome time in England, and had been highly careſſed by Buckingham, with a view to his deſigns on France. According to a concerted plan between the Engliſh court and the duc de Rohan, on the twenty-ſeventh of June, Buckingham, with a fleet of an hundred ſail, ſet out for Rochelle. To his great ſurprize, on his arrival at this place he found the gates ſhut againſt him: The deſign had been determined without the approbation, or even the knowledge of the Rochellers. This people could not readily conſtrue in an advantageous ſenſe the unexpected arrival of the forces of a monarch who had ſo lately lent aſſiſtance for the purpoſe of their deſtruction. To the duke de Soubiſe, who was ſent by Buckingham to aſſure them of the good intentions of Charles, and to demand admittance to his troops, they gave this civil denial: "That being in ſtrict union with all the Proteſtants in the kingdom, they could not receive into the city the offered ſuccors, without the conſent of the whole body of the Hugonots." On this refuſal from the Rochellers, Buckingham directed his courſe to the Iſle of Rhee, contrary to the advice of Soubize, who recommended a deſcent upon Oleron, that iſland being War with France. Rapin. Attempt on the Iſle of Rhee.

Anno 1627. being ill ſupplied with troops, and the forts not provided for a ſiege.

The whole conduct of Buckingham's attempt upon the Iſle of Rhee was ſuch a ſeries of unaccountable blunders, that ſome authors have attributed it to the influence of ſome flattering propoſals conveyed to him by the French queen. Whichever of theſe might be the cauſe of his proceedings, ignorance or treachery, the management of this buſineſs reflects eternal diſhonor both on Buckingham and his maſter: On the one for executing a plan of this conſequence in a raſh abſurd manner; and on the other for truſting an important command to a mere courtier, raw and inexperienced in the exerciſes of war, and ignorant of all the rudiments of military ſcience.

The Engliſh made good their landing at the Iſle of Rhee*, notwithſtanding a ſtout oppoſition from the French commander, Thoyras, at the head of three thouſand foot and two hundred horſe. Buckingham was adviſed by Soubize to improve the panic of the French, and attack the citadel of St. Martin. This good counſel was diſregarded, and Buckingham loſt five days in fortifying himſelf, and making preparations to attack the fort in the moſt regular manner. At length he laid ſiege to St. Martin's, but neglected to take a ſmall fort lying upon the ſhore, named La Prie. When the army made their attack on St. Martin's, Buckingham ſent ſuch ſanguine aſ-

Ruſhworth.

* Lewis's refuſing admittance to Manſfeldt's army is mentioned in the declaration of war publiſhed on the occaſion of theſe hoſtilities againſt France. To aſſign this refuſal as one of the reaſons for the preſent invaſion was highly abſurd, ſince the union between France and England, in the marriage of Charles and Henrietta, ſucceeded this affront.

ſurances

ſurances to Charles, that a proclamation was pre- Anno 1627.
maturely iſſued for encouraging the Engliſh to tranſport themſelves and their families to the iſle of Rhee; but the progreſs of this conqueſt advanced very ſlowly, or rather was at a ſtand. Thoyras refuſed to ſurrender; and Buckingham, after ſeveral fruitleſs attacks, was obliged to turn the ſiege into a blockade: He received a recruit from Ireland of ſixteen hundred men; five hundred from the Rochellers, who, by the perſuaſion of Soubize, had now declared for the Engliſh; and Charles, according to direction, prepared a large reinforcement from England. The French had by this time recovered from the ſurprize which the unexpected deſcent of the Engliſh had occaſioned, and contrived to throw in proviſions to the citadel of St. Martin. Buckingham might have rendered ſuch ſupplies ineffectual by making himſelf maſter of a well, from whence the inhabitants drew all their water; but this was neglected, and the enemy ſuffered to ſecure themſelves in the poſſeſſion of it.

The length of time ſpent in the ſiege had given the French full opportunity to collect, by the aſſiſtance of the Spaniards, ſo large a naval force, that their fleet exceeded, in number of ſhips, that of the Engliſh. By means of this fleet, and the advantage which the poſſeſſion of fort La Prie gave them, they landed ſo large a body of forces that Buckingham began to think of a retreat. When this reſolution was made known to Soubize, he ſtrongly repreſented to him the diſtreſſes which ſuch an abandonment would bring upon the French Proteſtants in general, and particularly upon the Rochellers; who, on the faith of England, had at length declared for the allies, and thus had drawn upon themſelves the ſevere

Anno 1627. reſentment of their monarch. The duke de Rohan and himſelf, preſuming on an effectual aſſiſtance from England, had been ſo active that they were declared public traitors. The duke de Rohan * was condemned to be torn in pieces by four horſes, and fifty thouſand crowns ſet upon his head. Theſe preſſing circumſtances were all urged in vain: Buckingham was tired of his ſituation, and determined to return to England, though he daily expected a large reinforcement from thence, under the command of his friend the earl of Holland. But before this reſolve was put in execution, he made a vain attempt to take the citadel by ſtorm: After having loſt many men in the adventure, he began his march to the water-ſide. Fort La Prie being in the poſſeſſion of the enemy, there was no paſſage open but by a narrow cauſeway, which had on each ſide of it deep ditches and ſaltpits. Buckingham had neglected erecting a fort at the entry on the cauſeway to ſecure his retreat; and no ſooner had the Engliſh entered the narrow way, than, in this diſadvantageous ſituation, they were attacked by their enemies, who made great ſlaughter among them; the courage of the Engliſh troops preſerved them from a general rout; the French retreated in their turn, and Buckingham, with his remaining forces, gained the fleet, and returned home with the loſs of upwards of four thouſand men out of ſeven thouſand he had carried out with him. This diſgraceful diſaſter brought a heavy additional load of public odium on the already univerſally deteſted

The Engliſh retreat from the Iſle of Rhee.

* According to a plan agreed on between the allies, at the time when Buckingham invaded France, he had made an inſurrection in Rouvergn, and acted there with great ſucceſs. He had had great offers of money and honors from the French king, to tempt him not to join the Engliſh.

minister. He was received by his fond master with as great acknowledgment for supposed services, as if he had brought home the trophies of an important victory *. Anno 1627.

Charles kindly attributed the cause of his favorite's ill success to the want of a seasonable supply; and the earl of Holland, who was just setting out from Plymouth when Buckingham returned, was, among others, accused of dilatoriness in his proceedings. Buckingham's arrival was followed by deputies from the Rochellers, who earnestly solicited Charles for the performance of promises which had been made them on his part; promises on the faith of which they had been prevailed on to take up arms, but were now left exposed to the resentment of their furious bigoted monarch, who, happily furnished with a pretext and an opportunity to ruin them, had beset their town both by land and sea. Their circumstances were desperate, by reason that they were in immediate danger of famine from the ill management of Buckingham, who had disappointed them of large provisions of corn which they had been promised from England. The discontents of the English, with the just complaints of the wretched Rochellers, made a general outcry against Buckingham, and the present system of government. The mariners came in tumultuous crowds to Whitehall, demanding their pay with great earnestness. The enemy appeared in

Distressed state of the Rochellers.

* On the instant when Buckingham's arrival was made known to Charles, he sent him consolatory letters on the occasion of his disgrace, conjuring him, by the sacred ties of friendship, not to make the disaster irrecoverable, by afflicting himself for the faults of others. During the progress of his operations at the Isle of Rhee, Charles had sent him many compliments on the report of his military exploits. *MSS. in Br. Museum*, n. 6988. fol. 3.

Anno 1627. triumph, entered the harbors, and insulted the English on their own coasts. Many ships had been taken in a few years, and the merchants were discouraged from building, because they were pressed into the King's service, and not paid.

The universal voice of the people, which earnestly demanded a parliament, Charles's necessities, and the present critical situation of affairs, occasioned a general council to be called to consult on this point. Sir Robert Cotton, in a long and labored speech, made it appear that the only remedy for the growing evils of the times, was to acquiesce with the desire of the people, and call a parliament; that this was the only way by which a sufficient supply could be timely raised for the urgent necessities of the state. This strong representation, with some flattering assurances at the close of his speech, that Buckingham might regain his popularity if the public could be persuaded into a belief that he was the first mover in council to call a parliament, had so much weight with the ministry that writs were issued out for that assembly to meet the seventeenth of March following*. Previous to this meeting, warrants were sent to all parts to release the prisoners who had been confined on account of the loan. The number of them, all people of fashion and fortune, amounted to seventy-eight †.

January 29. Parliament called.

Prisoners released.

* Before the resolution was taken to call this parliament, Charles had borrowed one hundred and twenty thousand pounds of the city of London, for which they had lands to the value of twenty-one thousand pounds per year assured to them; he likewise borrowed thirty thousand pounds of the East-India company. *Baker's Chronicle*, p. 440.

† A list of the prisoners who were set at liberty by this order of the court:

Sir John Strangeways, Sir Tho. Grantham, Sir Will. Ar

These, gentlemen of tried reſolution, were many Anno 1627.
of them choſen members of the enſuing parliament; the people fixing their hopes of redreſs on patriots whoſe ſufferings for the public cauſe had given flattering aſſurances of an uncorruptible integrity. Beſides this order for a general releaſe, the court thought proper to ſend writs of ſummons to the diſgraced peers: Abbot, Arundel, Briſtol, and the biſhop of Lincoln, were all permitted, according to their right, to attend in parliament. Thus far Charles aſſorted his conduct to the ſatisfaction of the public; but fearing that Buckingham, notwithſtanding the hopes given by Sir Robert Cotton, would ſtill continue the object of parliamentary proſecution, he determined to ſhew that aſſembly that he was reſolutely bent to ſupport his favorite, and not to relinquiſh any of the authority he had aſſumed to make diſcretionary levies on the ſubjects. At the very time when writs were iſſued to ſummon a parliament, the privy-council were conſulting on methods to raiſe an arbitrary and heavy tax, by way of exciſe; and at the ſame time thirty thouſand pounds were ſent over into the Low- Ruſhworth, P. 474.

Armyn, Sir Will. Maſſam, Sir Will. Wilmore, Sir Eraſmus Drayton, Sir Edw. Aiſcough, Sir Nath. Bernardiſton, Sir Ro. Poyntz, Sir Beachum St. John, Sir Oliver Luke, Sir Maurice Berkley, Sir Tho. Wentworth, Sir John Wray, Sir W. Conſtable, Sir John Hotham, Sir John Pickering, Sir Fra. Barrington, Sir Will. Chauncey, Sir Walter Earl, Sir Tho. Darnel, Sir Harbottle Grimſton, Sir John Corbet, Sir John Elliot, Sir John Hevingham, knights; W. Anderſon, Terringham Norwood, John Trigonwell, Tho. Godfrey, Rich. Knightly, Tho. Nicholas, John Hamden, Geo. Ratcliff, John Dutton, Henry Poll, Nath. Conwell, Rob. Hatly, Tho. Elmes, John Stevens, W. Coriton, Geo. Cateſby, eſquires; Tho. Wood, John Wilkinſon, W. Allan, Tho. Holyhead, gentlemen. Thirty-three Londoners. *Ruſhworth*, vol. I. p. 473.

Coun-

Anno 1627. Countries to Sir William Balfour and colonel Dalbier, for raiſing one thouſand horſe, and ſeventy thouſand pounds for arms for horſe and foot. The levying a certain ſum on all the counties of England, for the building ſhips, was alſo under conſideration, that an independant, conſtant, unlimited revenue might, by this means, be raiſed for the uſe of the crown *.

Among all the abſurd meaſures which hitherto had been taken by Charles and his miniſtry, not one of them is more ſtriking than this of giving ſo general an alarm on the eve of a parliament; at a time when, under the protection of their repreſentatives, the nation could make a more regular and legal oppoſition to the oppreſſive practices of the crown; at ſuch a time to advance pretences which, if brought into practice, muſt alter the whole ſyſtem of the government, and eſtabliſh a regular tyranny, is a madneſs which carries with it the appearance of the infatuation of enthuſiaſtic zeal, rather than the common incongruity of miniſterial counſels: but Charles looked on theſe formidable preparations as ſo many precautions

* Juſt before the meeting of the parliament, a ſociety of Jeſuits were taken at Clerkenwell. Among their papers was found a letter written to their father rector at Bruſſels. The ſubſtance of this letter is the hopes which the body entertained on the preſent ſituation of affairs in England. The foundation of their hopes was in the Arminians, who affected mutation; that the Catholics encouraged them in their ſchemes of making the King independent, and freeing him of his ward, the parliament; that they had ſhewn the means how to ſettle the exciſe; that it was to be done by a mercenary army of Germans: "In farming the exciſe, ſays this letter, the country is moſt likely to riſe; if the mercenary army ſubjugate the country, then the ſoldiers and projectors ſhall be paid out of the confiſcations; if the country be too hard for the ſoldiers, then they muſt conſequently mutiny; which is equally advantageous to us. Our ſuperlative deſign is to work the Proteſtants, as well as the Catholics, to welcome a conquerer." *Ruſhworth. Ephemeris Parliamentaria.*

againſt

againſt the conſequences of an enraged parliament; and ſuch an open declaration of a determined purpoſe to maintain the authority he had aſſumed, as the moſt certain check on the councils of that aſſembly, which would rather wink at oppreſſions which might be temporary, and comply with all the demands of their ſovereign, than, by driving him to extremities, riſk not only the reality, but the appearance of Freedom. Anno 1627.

Theſe being the politics of the miniſtry, Charles, in his ſpeech at the opening of the ſeſſion, inſtead of attempting to ſoften the Commons by ſoothing words and fair promiſes, flung out this threat: "Every man, ſays he, now muſt do according to his conſcience; wherefore if you, as God forbid! ſhould not do your duties in contributing what the ſtate at this time needs, I muſt, in diſcharge of my conſcience, uſe thoſe other means which God hath put into my hands, to ſave that which the follies of ſome particular men may otherwiſe hazard to loſe." What muſt have been the feelings of this aſſembly, many individuals of which, united to the ſenſe of public injury, had in their own perſons ſuffered from the injuſtice of the crown? what muſt have been its feelings to hear Charles, inſtead of offering conceſſions to repair the notorious breach he had made in the conſtitution; inſtead of endeavoring to bury the memory of paſt offences in oblivion; to hear him attempt to eſtabliſh, as a fundamental principle in the government, that God had put into his hands other means to impoſe taxes than by parliament? Undoubtedly, at the utterance of theſe expreſſions a lively ſenſe of public danger fired the imagination of every patriot in the houſe; whilſt the bitter ſenſe of paſt, and dread of Third Parliament. Parl. Hiſt. vol. VII. p. 339, & ſeq.

Anno 1627. of future ſufferings, warmed the indignation of leſs exalted characters.

If we reflect on the outrages committed by the government in the intermediate ſpace between the concluſion of the laſt, and the beginning of the preſent parliament; with the extreme folly with which the public meaſures were conducted, to the infamy, loſs, and even danger of the nation; if we recollect the manly reſentment which the leading members of the laſt parliament ſhewed at offences far leſs grievous than the ſufferings of the preſent time—members all nominated in this, and bearing the ſame influence; their patriotic warmth excited by an accumulation of reiterated evils; with this provoking inſtance of the wrong-headed inflexibility of their monarch: If we reflect on all theſe circumſtances, we ſhall be wrapt in wonder at the capacity of the men who guided the counſels of this aſſembly, who, enraged by ſuch injurious wrongs, and ſuch provoking inſults, could form and execute a plan of operations, in which forbearance and decorum of expreſſion and action, were as neceſſary as vigor, ability, and reſolution.

When Charles had ended his ſpeech, the lord-keeper, after having made a tedious harangue on the ſituation of the European powers, the ambition of the houſe of Auſtria, the perfidy of the French court, and the danger to which England was expoſed from the conjunction of thoſe formidable adverſaries, repeated the ridiculous plea of the war having been originally undertaken by advice of parliament; and added, "This way of parliamentary ſupplies, as his majeſty told you, he hath choſen, not as the only way, but as the fitteſt; not becauſe he is deſtitute of others, but becauſe it is more agreeable to the goodneſs

of his own moſt gracious diſpoſition, and to the deſire and weal of his people. If this be deferred, neceſſity and the ſword of the enemy make way to the others. Remember his majeſty's admonition! I ſay, Remember it!" Anno 1627.

Notwithſtanding theſe repeated inſults, the Commons, after having preſented Sir John Finch, the queen's attorney, for their ſpeaker *, calmly ſettled their ſeveral committees for privileges and elections, for religion, for grievances, and trade. Having paſſed an order that all the members of the houſe ſhould receive the ſacrament, they drew up a petition to the King for a general faſt to be obſerved throughout the kingdom. Then they entered into conſideration of the late oppreſſions: The billeting ſoldiers; raiſing arbitrary taxes; the impriſonment of thoſe who refuſed to comply, and the refuſal of bail on an Habeas Corpus to certain gentlemen who demanded it. The debate on this ſubject was opened in the following manner by Sir Francis Seymour: "This is the great council of the kingdom; and here, if not here alone, his majeſty may ſee, as in a true glaſs, the eſtate of the kingdom. We are all called hither by his majeſty's writs, to give him faithful counſel, ſuch as may ſtand with his honor, but that we muſt do without flattery; and being Debates of the Commons. Parl. Hiſt. vol. VII. P. 361, & ſeq.

* Sir John Finch, according to the manner of his predeceſſor, made a very miniſterial ſpeech: After having praiſed monarchy above every other conſtitution of government, he addreſſed the throne in the following ſtrain: "Kings, ſaid he, know no other tenor but God's ſervice, and their value is only tried at his beam; whence the poet ſaid, the parents of the firſt kings were *Cælum & Terra*, divine inſtitution and human approbation." The whole tenor of the diſcourſe was to ſhew the expediency of union; viz. a parliamentary compliance with the King's meaſures. *Parl. Hiſt.* vol. VII. P. 347, & *ſeq.*

choſen

Anno 1627. choſen by the Commons to deliver up their juſt grievances, this we muſt do without fear. Let us not be like Cambyſes's judges; who, being aſked by him concerning ſomething unlawful, ſaid, though there were no written laws, the Perſian kings might do what they liſt. How can we expreſs our affections while we retain our fears, or ſpeak of giving till we know whether we have any thing to give? for if his majeſty may be perſuaded to take what he will, what need we to give? That this hath been done appeareth by the billeting of ſoldiers, and impriſonment of gentlemen for refuſal of the loan; who, if they had done the contrary for fear, their faults would have been as great as thoſe who were the projectors of it. To countenance theſe proceedings, hath it not been preached in the pulpit, or rather prated, All we have is the King's, *jure divino*. When preachers forſake their own calling, and turn ignorant ſtateſmen, we ſee how willing they are to change a good conſcience for a biſhopric."

Sir John Elliot, after having ſtrongly ſet forth the late grievances, ſeconded a motion which Sir Francis Seymour had made at the concluſion of his ſpeech for a committee on theſe particulars.

Ephemeris Parliamentaria, p. 28. "I have read, ſaid Sir Robert Philips, of a cuſtom among the old Romans, that once every year they had a ſolemn feaſt for their ſlaves, at which they had liberty without exception to ſpeak what they would, thereby to eaſe their afflicted minds; which being finiſhed, they ſeverally returned to their former ſervitude. This may, with ſome reſemblance and diſtinction, well ſet forth our preſent ſtate; where, now after the revolution of ſome time, and grievous ſufferings of many violent oppreſſions, we have, as thoſe ſlaves had, a day of liberty of ſpeech; but ſhall

not, I truſt, be hereafter ſlaves, for we are born free: Yet what new illegal proceeding our ſtates and perſons have ſuffered, my heart yearns to think, my tongue falters to utter; they have been well repreſented by divers worthy gentlemen before me. Yet one grievance, and the main one as I conceive, hath not been touched, which is our religion — religion, Mr. Speaker, made vendible by commiſſion; and men, for pecuniary annual rates, diſpenſed withal; whereby Papiſts may, without fear of law, practiſe idolatry. For the oppreſſions under which we groan, I draw them under two heads: Acts of power againſt law, and judgments of law againſt our liberties. Of the firſt ſort are, ſtrange inſtructions; violent exactions of money thereupon; impriſonment of the perſons of ſuch who (to deliver over to their poſterity the liberty they received from their forefathers, and lawfully were in poſſeſſion of) refuſed ſo to lend; and this aggravated by the remedileſs continuance and length thereof; and chiefly the ſtrange, vaſt, and unlimited power of our lieutenants and their deputies, in billeting ſoldiers, in making rates, in granting warrants for taxes as their diſcretions ſhall guide them; and all this againſt the law. Theſe laſt are the moſt inſupportable burthens which at this preſent afflict our poor country, and the moſt cruel oppreſſion which ever yet the kingdom of England endured; theſe upſtart deputy-lieutenants (of whom, perhaps, in ſome caſes and times, there may be good uſe, being regulated by law) are the worſt of grievances, and the moſt forward and zealous executioners of theſe violent and unlawful courſes which have been commended unto them; of whoſe proceedings, and for the qualifying of whoſe unruly powers, Anno 1627.

Anno 1627. powers, it is more than time to conſult and determine *. Judgments of law againſt our liberty there have been three, each latter ſtepping forwarder than the former upon the right of the ſubject; aiming in the end to tread and trample under foot all law, and that in the form of the law. The firſt was the judgment of the *poſtnati* †; whereby a nation which I heartily love for their ſingular good zeal in our religion, and their free ſpirits to preſerve Liberty far beyond any of us, is made capable of the like favors, privileges, and immunities, as ourſelves enjoy. The ſecond was the judgment upon impoſitions in the Exchequer-court by the barons. The third was that fatal late judgment againſt the liberty of the ſubject impriſoned by the King, argued and pronounced but by one judge alone: I can live altho' another, who has no right, be put to live with me; nay, I can live altho' I pay exciſes and impoſitions more than I do; but to have my liberty, which is the ſoul of my life, taken from me by power, and to have my body pent up in a jail, without remedy by law, O improvident anceſtors! O unwiſe forefathers! to be ſo curious in providing for the quiet poſſeſſion of our laws, and the liberties of parliament, and to neglect our perſons and bodies, and to let them lie in

* Sir William Earl reported from the committee for examination of complaints againſt deputy-lieutenants, that Sir John Stoell, a deputy-lieutenant, having conceived diſpleaſure againſt the town of Taunton on the choice of their burgeſſes to ſerve in this parliament, made a removal of the ſoldiers billeted in that town, and fixed twelve men on the mayor and the recorder, and other principal citizens; who, being encouraged by authority, committed great riots and enormities. *Journals of the Commons*, vol. I. p. 886.

† The judges, to flatter James, had declared, that by law the Scots born after his acceſſion, were naturalized, and capable of all the privileges of an Engliſh ſubject.

pri-

priſon, and that *durante bene placito*, remedileſs. Anno 1628.
If this be law, why do we talk of liberties? why do we trouble ourſelves with a diſpute about law, franchiſes, property of goods, and the like? what may any man call his own, if not the liberty of his perſon?" This topic was farther enforced in the following manner by Sir Thomas Wentworth: "They have taken from us—what ſhall I ſay?, indeed, what have they left us? they have taken from us all means of ſupplying the King, and ingratiating ourſelves with him, by tearing up the roots of all property; which if they be not ſet ſeaſonably in the ground by his majeſty's hand, we ſhall have, inſtead of beauty, baldneſs. By one and the ſame thing have the King and people been hurt, and by one muſt they be cured. To vindicate what? new things? no; our ancient, lawful, and vital liberties, by reinforcement of the ancient laws made by our anceſtors; by ſetting ſuch a ſtamp upon them as no licentious ſpirit ſhall dare hereafter to enter upon them."

"Will any give a ſubſidy, ſaid Sir Edward Coke *, if they are to be taxed after parliament at pleaſure? The King cannot lawfully tax any by way of loans: I differ from them who would have this of loans go among other grievances, for I would have it go alone. I will begin with a noble record; it chears me to think of it; 26 Ed. III. it is worthy to be written in letters of gold: "Loans againſt the will of the ſubject are againſt reaſon and the franchiſes of the land; and they deſire reſtitution." What a word is that franchiſe! the lord may tax his villain, high and low, but

* Two counties, Buckinghamſhire and Suffolk, had returned Sir Edward Coke as one of their members to ſerve in this parliament. *Journals of the Commons*, vol. I. p. 876.

Anno 1628. it is againſt the franchiſes of the land for freemen to be taxed, but by their conſent in parliament."

Charles, finding his threats had neither terrified the Commons into ſubmiſſion, nor provoked them into indecorum of ſpeech, thought fit, on the twenty-fifth of March, to ſend them a conciliating meſſage by ſecretary Cook, That he eſteemed the grievances of the houſe his own, and ſtood not on precedence in point of honor; he therefore deſired that the ſame committee which was appointed for grievances might, at the ſame time, take in hand the following propoſitions: To furniſh with men and victuals thirty ſhips to guard the narrow ſeas, and along the coaſt; to ſet out twenty other ſhips for the relief of the town of Rochelle, and for the preſervation of the Elbe, the Sound, and the Baltic ſea; to pay and ſupply twenty-ſix thouſand horſe and foot for foreign ſervice; to ſupply the forts of the office of ordnance, and the ſtores of the navy; to build twenty ſhips yearly for the increaſe of the navy; to repair the forts within the land; to pay the arrears of the office of ordnance, the victualler's office, and the treaſurer of the navy; to pay the arrears due for the freight of divers merchant-ſhips employed in his majeſty's ſervice; and to provide a magazine for victuals for land and ſea-ſervice.

Ruſhworth, vol. I. p. 513, & ſeq.

On this meſſage the houſe turned themſelves into a committee, to take into conſideration the liberty of the ſubject in his perſon and goods, and the ſupply of the King's neceſſities. On the ſubject of liberty of perſon, Mr. Creſkeld, a young lawyer, made a long, eloquent, and learned ſpeech: He proved that the common law of England guarded both the perſons and property of the ſubject from the prerogative of the monarch. With the utmoſt accuracy and preciſion

he ſtated the rights of both King and ſubject, and ſhewed how illegally the judges had acted in remanding the gentlemen to priſon who were confined on account of the loan, and had brought their Habeas Corpus *. It was reſolved on the queſtion, that no freeman ought to be committed, detained in priſon, or otherwiſe reſtrained, by the command of the King, privy-council, or any other, without ſome legal cauſe of the commitment, detainer, or reſtraint, be expreſſed; that the writ of Habeas Corpus may not be denied, but ought to be granted to every man who is committed, detained in priſon, or otherwiſe reſtrained, though it be by the command of the King, privy-council, or any other; that if a freeman be committed or detained in priſon, or otherwiſe reſtrained, no legal cauſe of ſuch commitment, detainer, or reſtraint, being expreſſed, if he is returned upon an Habeas Corpus, that he ought to be delivered or bailed; that the ancient and undoubted rights of every freeman are, that he hath a full and abſolute property in his goods and eſtate, and that no tallage, loan, benevolence, or other like charge, ought to be commanded or levied by the King, or any of his miniſters, without common conſent of parliament. Anno 1628. Journals of Commons, vol. I. p. 878, & ſeq.

This produced a conference between the two houſes: It was managed by Sir Dudley Diggs, Sir Edward Coke, Mr. Selden, and Mr. Littleton. The aſſiſtants were, Sir Benjamin Rudyard, Mr. Pym, Mr. Rolles, Mr. Hackwell, Mr. Her-

* The Saxon inſtitutions, on which the common law of England is grounded, were ſo tender of perſonal liberty, that it was not till the twenty-third of Edw. III. the eleventh King from the Conqueſt, that a ſtatute was enacted to attach the bodies of men for debt. *Mr. Creſheld's Speech. Parl. Hiſt.* vol. VII. p. 379.

Anno 1628. bert, Mr. Whiteby, Sir Robert Phillips, and Mr. Charles Jones; all of them being men of ſpirit and learning, the cauſe was pleaded with great ability. It was clearly proved that the fore-mentioned reſolutions were authorized by Magna Charta, ſix ſeveral ſtatutes, and the common law of the land *.

Ephemeris Parliamentaria, p 54, & ſeq.

* The introduction was allotted to Sir Dudley Diggs: He ſhewed that the inſtitutions of the Saxons were the fundamental laws of the conſtitution; that it was an undoubted part of the common law of England, that the ſubject had a true property in his goods and poſſeſſions; that this birthright had been invaded by preſſures more grievous, becauſe they had been purſued by impriſonment, contrary to the franchiſe of the land; and that the late judgment in the court of King's-Bench had rendered the laws and ſtatutes of the realm of no avail towards obtaining redreſs for theſe oppreſſions.

Journals of Commons vol. 1. p. 880.

Mr. Littleton, who was appointed to juſtify the declarations of the houſe of Commons, began with introducing the twenty-ninth article of Magna Charta: *Nullus liber homo capiatur, vel impriſonetur, aut, diſeiſietur, de libero tenemento ſuo, vel libertatibus, vel liberis conſuetudinibus ſuis, aut ut lagetur, aut exuletur, aut aliquo modo deſtruatur, nec ſuper eum ibimus, nec ſuper eum mittimus, niſi per legale judicium parium ſuorum, vel per legem terræ.* He ſhewed that there was a corruption crept into this copy, and that the original words were *nec eum in carcerem mittimus.* The words, *legem terræ*, he alledged, muſt of neceſſity be underſtood to be, By due proceſs of law, and not, The law of the land, which would comprehend villains; that theſe words were ſo explained in the fourth article of a ſtatute made in the twenty-fifth of Edw. III. in which reign was the firſt invaſion of this perſonal liberty; that the words were yet more direct to the point in a ſtatute made in the twenty-eighth year of this monarch; that in the thirty-ſixth year of his reign he gave an anſwer to a petition, in the form which made it an act of parliament, That no arreſt by ſpecial command ſhould be made, contrary to the ſtatutes; that a petition of parliament, in the ſame year of his reign, explain the words, *legem terræ*, in the ſame manner; whereas it is contained in the Grand Charter, and other ſtatutes, That none be taken or impriſoned by ſpecial command, without indictment or other due proceſs to be made by the law; yet oftentimes it hath been, and ſtill is, that many are hindered,

Whilſt the Commons were taking theſe meaſures to defend civil Liberty, they did not neg- Anno 1628.

hindered, taken, and impriſoned, without indictment or other proceſs made by law upon them. Beſides theſe, Mr. Littleton quoted two ſtatutes made againſt informers in this King's reign, the words of them ſufficiently explaining the captious expreſſion of *legem terræ* in Magna Charta. He then finiſhed with confuting a falſe comment which had been made by the court-lawyers on a ſtatute termed the Statute of Weſtminſter, enacted in the third of Edw. I.

Matters of record and judicial precedents were committed to Mr. Selden, with the remedy of the Habeas Corpus. He began with illuſtrating this article, and then ſhewed that precedents ought not to be relied on but when they agreed with the expreſs law; he next produced twelve precedents to the point, that perſons committed without a legal cauſe expreſſed, ought to be delivered upon bail; and laſtly, offered other kind of precedents, which were ſolemn reſolutions of judges; things not of record, but yet remaining in authentic copies. Journals of Commons, vol. I. p. 880.

Sir Edward Coke demonſtrated, that the acts of parliament and precedents produced were but ſo many affirmations of the common law, and that there was no good reaſon of ſtate againſt the ſhewing cauſe of impriſonment. He began by proving, that if freemen of England might be impriſoned at the will and pleaſure of the King, then were they in worſe ſtate then bondmen and villains. He then entered upon a very deep diſcuſſion of the principles of the conſtitution in point of perſonal liberty, and concluded by ſhewing that no virtuous operation of government could be affected by leaving to ſubjects that jewel which not only diſtinguiſhes freemeen from ſlaves, but the living from the dead. Parl. Hiſt. vol. VII. p. 418, & ſeq.

It was agreed by the attorney-general, that the ſeven ſtatutes urged by the Commons were yet in force; and that they did extend moſt properly to the king; but he ſaid that ſome of them were in general words, and therefore concluded nothing, but were to be expounded by precedents; and others which were more particular were applied to the ſuggeſtions of ſubjects, and not to the King's command ſimply of itſelf.

To this Mr. Littleton replied, that the ſtatutes were as direct as could be; and that though ſome of them ſpeak of ſuggeſtions of ſubjects, yet others do not; and thoſe which do are as effectual, for that they are in equal reaſon, a commitment by command of the King being of as great force, when Parl. Hiſt. vol. VIII. p. 12, & ſeq.

Anno 1628. lect the popular ſubject of religious grievances: A petition againſt recuſants was preſented by

it moveth by a ſuggeſtion from a ſubject, as when the King takes notice of the cauſe himſelf. To one of the twelve precedents which had been quoted by Mr. Selden, Mr. Attorney objected, that the lords of the council ſent letters to the court of King's Bench to bail the priſoners. To this Mr. Selden, with great ſpirit, replied, that that letter was of no moment, being only a direction to the chief-juſtice, and no matter of record, nor any way concerning the judges: And beſides, either the priſoner was bailable by law or not bailable; if bailable by the law, then he was to be bailed without any ſuch letter; if not bailable by the law, then plainly the judges could not have bailed them upon the letter without breach of oath, which is, that they are to do juſtice according to the law, without having reſpect to any command whatſoever: So that ſuch a letter, in any caſe, was, for point of law, no weight againſt what the record of the court ſhewed.

Ephemeris Parliamentaria, p. 86, & ſeq.

To four precedents, which the courtiers had brought againſt the reſolutions of the Commons, Mr. Selden objected, that, by the conſtant courſe of the court of King's Bench, whoſoever came by Habeas Corpus, or other writ, into that court, could not be bailed before they were firſt committed to the marſhal of that court; that theſe were thus committed appeared by the entry; and that this plainly ſhewed that the court of King's Bench in every of them reſolved, that the priſoners ſo committed were bailable, otherwiſe they had been remanded, not committed to the marſhal of the King's Bench.

According to the direction of the houſe, Mr. Selden, in this conference, produced the draught of a judgment in the caſe lately adjudged in the court of King's Bench: "This caſe is famous, ſaid he, and well known to your lordſhips, therefore I need no farther mention it; and as yet, indeed, there is no judgment entered upon the roll, but there is room for any kind of judgment to be entered. But, my lords, there is a form of judgment, a moſt unuſual one, ſuch an one as never was in any ſuch caſe before uſed; for indeed there was never before any caſe ſo adjudged; and this drawn up by a chief clerk of that court, by direction of Mr. Attorney-General, as the houſe was informed by the clerk; in which the reaſon of the judgment, and the remanding of theſe gentlemen, is expreſſed in ſuch ſort as if it ſhould be declared upon record for ever, that the law was, that no man could be

enlarged

both houſes on the thirty-firſt of March. Promiſes ſat ſo eaſy upon Charles, that he not only Anno 1621. Ruſhworth, vol. I. p. 519.

enlarged from impriſonment who ſtood committed by any ſuch abſolute command.

"Now, my lords, added Mr. Selden, becauſe this draught, if it were entered in the roll, as it was prepared for no other purpoſe, would be a great declaration contrary to the many acts of parliament already cited, contrary to all precedents of former times, and to all reaſon of law, to the utter ſubverſion of the chiefeſt liberty and right belonging to every freeman of the kingdom; and for that eſpecially alſo it ſuppoſeth that divers ancient records had been looked into by the court in like caſes, by which records their judgments were directed; whereas, in truth, there is not one record at all extant, which, with any colour, warrants the judgment; therefore the houſe of Commons thought fit alſo that I ſhould, with the reſt which has been ſaid, ſhew this draught to your lordſhips." Mr. Selden concluded his diſcourſe by reading out of a book of lord-chief-juſtice Anderſon's hand-writing, the reſolution of all the judges of England upon commitments by abſolute command. This report, though it was in favour of the reſolutions of the Commons, yet, in the caſe of the impriſoned gentlemen, it had been quoted by the court-lawyers, as being ſtrongly againſt the point of perſonal liberty.

The report of lord-chief-juſtice Anderſon.

"Diverſe perſons fueront comittes a ſeveral temps a ſeveral pryſons, ſur pleaſure, ſans bon cauſe, parte de queux eſtiant ameſnes en Banck le Roy, et parte en le Commune Banck, fueront accordant a le ley de la terre, miſe a large et diſchargé de le impriſonment, pur que aucuns grandts fueront offendus, et procure un commandement a les judges, que ils ne ferra ainſi apres ceo nient meen les judges, ne ſurceaſe mes per adviſe, entre eux ils feſoient certain articles, le tenour de queux enſus et deliver eux al ſeigneurs chauncelor et treaſurer, et eux ſubſcribe, avec touts leur manies, les articles ſont come eriſnoint. Ruſhworth, vol. I. p. 511, & ſeq.

"We, her majeſty's juſtices of both benches, and barons of the Exchequer, deſire your lordſhips that by ſome good means ſome order may be taken that her highneſs's ſubjects may not be committed, or detained in priſon, by commandment of any nobleman or counſellor, againſt the laws of the realm; either elſe to help us to have acceſs to her majeſty, to

Anno 1628. gave his word to perform every article of the petition, but added, that the mildneſs he had hi-

the end to become ſuitors to her for the ſame: For divers have been impriſoned for ſuing ordinary actions and ſuits at the common law, until they have been conſtrained to leave the ſame againſt their wills, and put the ſame to order, albeit judgment and execution have been had therein, to their great loſſes and griefs; for the aid of which perſons her majeſty's writs have ſundry times been directed to ſundry perſons having the cuſtody of ſuch perſons unlawfully impriſoned, upon which writs no good or lawful cauſe of impriſonment hath been returned or certified; whereupon, according to the laws, they have been diſcharged of their impriſonment: Some of which perſons, ſo delivered, have been again committed to priſon in ſecret places, and not to any common or ordinary priſon, or lawful officer or ſheriff, or other, lawfully authorized to have or keep a gaol; ſo that, upon complaint made for their delivery, the Queen's courts cannot tell to whom to direct her majeſty's writs; and by this means juſtice cannot be done. And moreover, divers officers and ſerjeants of London have been many times committed to priſon, for lawful executing of her majeſty's writs, ſued forth of her majeſty's courts at Weſtminſter; and thereby her majeſty's ſubjects and officers are ſo terrified that they dare not ſue or execute her majeſty's laws, her writs, and commandments. Divers others have been ſent for by purſuivants, and brought to London from their dwellings, and, by unlawful impriſonment, have been conſtrained not only to withdraw their lawful ſuits, but have alſo been compelled to pay the purſuivants ſo bringing ſuch perſons great ſums of money. All which, upon complaint, the judges are bound, by office and oath, to relieve and help, by and according to her majeſty's laws. And where it pleaſeth your lordſhips to will divers of us to ſet down in what caſes a priſoner ſent to cuſtody by her majeſty, or her council, are to be detained in priſon, and not to be delivered by her majeſty's court or judges, we think, that if any perſon be committed by her majeſty's command from her perſon, or by order from the council-board; and if any one or two of her council commit one for high-treaſon, ſuch perſons ſo in the caſes before committed, may not be delivered by any of her courts, without due trial by the law, and judgment of acquittal had. Nevertheleſs, the judges may award the Queen's writ to bring the bodies of ſuch priſoners before them; and if, upon return thereof, the cauſes of their commitment be certified to the judges,

therto uſed had been upon hope that foreign princes might thereby be induced to uſe moderation towards their ſubjects of the reformed religion; but not finding that good effect which was expected, he reſolved, unleſs he ſhould very ſpeedily ſee better fruits, to add a farther degree of ſeverity than that which in the petition was deſired. As Charles's conduct was directly oppoſite to the many promiſes he had made on this head, there is perhaps no public tranſaction through his whole reign which throws more contempt on his character than theſe petitions and anſwers, nor a more ſufficient juſtification of the Commons for their not placing any confidence in his ſtrongeſt aſſeverations. Anno 1628.

Deſignation to foreign employments was not forgot among the grievances under debate: Sir Peter Hayman ſhewed his caſe; that, on refuſing to lend on a privy-ſeal, he was ſent by the lords of the council, at his own expence, to attend on an ambaſſador into the Palatinate. On Parl. Hiſt. vol. VII. p. 403, & ſeq. Debates.

judges, as it ought to be, then the judges in the caſe before ought not to deliver him, but to remand the priſoner to the place from whence he came, which cannot conveniently be done unleſs notice of the cauſe in general, or elſe in ſpecial, be known to the keeper or gaoler who ſhall have the cuſtody of ſuch priſoner."

This report does great honor to theſe judges, who, though at this period entirely dependant on the crown, were the only protectors of the civil rights of the nation.

It is to be obſerved that the King's council could not bring one clear precedent that any priſoner had been denied bail on the return of their Habeas Corpus, when the cauſe of the impriſonment had not been expreſſed in the writ; not but the civil rights of the nation had been continually infringed in the arbitrary impriſonment of its ſubjects, but few of theſe unhappy ſufferers had courage enough to claim the protection of the laws, in oppoſition to the tyrannical will of the ſovereign.

Anno 1628. this head, Sir Edward Coke gave it as his opinion, that a ſubject, not being a ſervant of the crown, was not liable to forced ſervice; and even in the other caſe, where a ſervant refuſed ſuch a command, he ſhewed, by two ſeveral ſtatutes, that the King could only ſeize the offices, fees, and lands he held in conſequence of his ſervices, but no commitment could legally enſue.

The power which the crown had lately uſurped of inflicting domeſtic confinement was canvaſſed in the following manner: Mr. Selden ſaid, that he could find no traces in former times of confinement to a man's own houſe, or elſewhere, by way of puniſhment, except in the caſe of the Jews, who were ſometimes confined to the Old Jewry; that a domeſtic priſon was a confinement only for madmen. Sir Thomas Hobby obſerved, that he was employed by Elizabeth in the year 1588; that though at that time it was held neceſſary to confine recuſants in ſtrong places, yet it was judged ſo illegal, that, after the defeat of the Spaniſh armada, the parliament petitioned the Queen to warrant the confinement.

With this buſineſs of grievances the Commons, according to promiſe, went on that of ſupply; they rejected the propoſitions, as too vaſt and too complicated *, but voted five ſubſidies for the neceſſities of the government.

Subſidies voted.

The ſatisfaction Charles felt from this act of the Commons drew this ſpeech from him: "He

* Mr. Alford ſaid, that were they to anſwer punctually to every article of the propoſitions, it might be drawn into a precedent that the ſubjects were to maintain all the charges of war.

Sir Nathaniel Rich objected, that as the bill of tonnage and poundage was allotted for the defence of the coaſt, it would be a bad precedent to give other ſupply for that occaſion. *Parl. Hiſt.* vol. VII. p. 397, *&c ſeq.*

liked

liked parliaments at firſt; yet ſince, he knew not how, he was grown to a diſtaſte of them; but was now where he was before, for he loves them and ſhall rejoice to meet his people again †." Anno 1628.

Secretary Cook related to the houſe this ſpeech, and a congratulatory one made on the ſame occaſion to Charles at the council-board, by the duke of Buckingham. Though theſe congratulations were couched in very popular terms, yet ſeveral members took high offence that Buckingham ſhould be mentioned in that houſe in ſo important a manner.

This was not the only vain attempt which was made to reſtore Buckingham to the good graces of the Commons: They had been aſſured from ſecretary Cook, that he had firſt moved and perſuaded the King to aſſemble a parliament *.

After the Commons had thus gratified Charles with a vote of five ſubſidies, they were wholly engroſſed in preparing an inſtrument to explain more fully thoſe parts of Magna Charta, and the ſix ſeveral ſtatutes, which had been ſo notoriouſly violated by the late oppreſſive acts of the miniſtry. This they called a Petition of Right, it containing thoſe privileges which had been already ſtipulated to the ſubject.

The houſe was frequently interrupted in this weighty buſineſs by the importunity of Charles; who, though he had given them aſſurances that

† Charles was in ſuch a hurry to get this vote of five ſubſidies paſſed into a bill, that he ſent to deſire the Commons not to make any receſs the Eaſter-holidays. This was unpleaſing to the houſe, leſt it ſhould affect their power of adjourning themſelves when they pleaſed: Sir Edward Coke moved to have it entered, that it was done *ex rogatu regis*. *Parl. Hiſt.* vol. VII. p. 436.

* This was according to Sir Robert Cotton's advice.

he

Anno 1628. he approved of uniting the grievances with the ſupply, continued to preſs them to expedite the latter buſineſs out of hand. On the twelfth of April, ſecretary Cook delivered the following meſſage: "That his majeſty had long ſince expected the fruit of that which was ſo happily began; but finding a ſtop beyond expectation, nay, beyond example, after ſo good a beginning, he commanded that, without any farther or unneceſſary delay, the houſe ſhould proceed in his buſineſs; for however he had been willing that his own affairs and theirs ſhould concur and proceed together, yet his meaning was not that one ſhould give interruption to the other, nor the time to be ſpun out on any pretence to hinder that reſolution upon which the common cauſe of this kingdom, and even of all Chriſtendom, did ſo much depend. He bids them therefore take heed that they force him not, by unneceſſary and tedious delays, to make an unpleaſing end of that which was ſo well began."

After Sir John Cook had given the houſe to underſtand that they were not to take this meſſage as a threatening to diſſolve the parliament, he farther added, "I muſt with ſome grief tell you, that notice is taken as if this houſe preſſed not only upon the abuſes of power, but upon power itſelf; this toucheth the King, and us, who are ſupported by that power." The houſe was ſo offended at what had fallen from Sir John Cook, that he was moved to explain what he meant by the word Power; which, he ſaid, was by them oppoſed. This he refuſed, ſaying, I cannot deſcend to particulars, or go from that which his majeſty gave me warrant or power to deliver.

On the debate on the King's meſſage, it was at length agreed to nominate a committee to proceed

ceed on grievances. Certain inſtructions were given the ſpeaker in anſwer to the meſſage delivered by Sir John Cook; and a petition * was ſent up to the throne, repreſenting the illegality of billeting ſoldiers, and the enormities occaſioned by that oppreſſive meaſure: This was to be the prelude to the Petition of Right. On the fourteenth of April the judges attended in the houſe of Lords, to give an account of the reaſons of their judgment in the caſe of the gentlemen who had been impriſoned without an expreſs cauſe ſhewn.. Sir Nicholas Hyde endeavored to excuſe himſelf and brethren from this taſk, by repreſenting it as a thing they ought not to do without warrant from the King. The popular members fired at this refuſal: The lord Say anſwered, "If the judges will not declare themſelves, we muſt take into conſideration the point of our privilege." The duke of Buckingham, having undertaken to compoſe this difference, ſent a meſſage to the King for leave that the judges might obey the injunctions of the houſe. An anſwer having been returned in the affirmative, the judges proceeded to give the demanded ſatisfaction. The authorities which theſe corrupt expounders of the law quoted to juſtify their proceedings were ſo unſatisfactory, that, if there had

Anno 1628.

The judges queſtioned by the houſe of Lords.

* According to the inſtructions which the Commons had given, the ſpeaker alleged, in his preamble to the petition, that the preſerving thoſe fundamental liberties which concern the freedom of perſon, and property of goods and lands, was an eſſential means to eſtabliſh the true glory of a monarch, for rich and free ſubjects were beſt able to do ſervice, either in peace or war; that this had been the cauſe of the happy and famous victories of the Engliſh, beyond other kingdoms of larger territories and greater numbers of people.

Charles was much diſpleaſed with the petition, and ſtill more with this preamble. *Parl. Hiſt.* vol. VII. p. 445.

been

Anno 1628. been any thing wanting to the triumph of the Commons, it would have been completed by the poorneſs of that which was urged in vindication of the queſtioned judgment.*

Thus foiled, the courtiers did not altogether give up the point: The matter was again argued at a conference between the two houſes, by the attorney-general and the King's counſel on one ſide, and a ſelect committee of the houſe of Commons on the other. Though prolix quotations ought to be avoided by an hiſtorian, yet I muſt again tranſgreſs this general rule, to give my reader a juſt idea of thoſe accurate ſentiments of Liberty, perſonal and political, which fell from the illuſtrious perſonages who argued on the ſide of their country.

Conference between the two houſes.

Parl. Hiſt. vol. VIII. p. 32, & ſeq.

The attorney-general came fraught with authorities to combat the good ſenſe, reaſon, and learning, of his antagoniſts. He began his diſcourſe by objecting to the conſtruction which the committee had made of the words, *per legem terræ*: "If, ſaid he, they are to be underſtood *per debitum legis proceſſum*, i. e. by indictment, preſentment, or original writ, then it muſt neceſſarily follow, that no offender could juſtly and legally be committed and reſtrained of his liberty, unleſs he was firſt indicted or preſented by a jury, or

* A few arbitrary precedents were quoted, and juſtice Jones farther inſiſted, they could not have acted otherwiſe; for, if they had allowed bail, it would have reflected on the King. Every one of the judges pleaded merit for not having complied with the requeſt of Heath, that a ſpecial entry might be made of the judgment. They alleged, that they had only made an award, and that the priſoners might have brought another Habeas Corpus the next day. The judges diſclaiming that they had given any judgment in the point, was a tacit confeſſion that they could not have juſtified ſuch an act.

that

that an original writ was brought againſt him; Anno 1628.
which neither is, nor ever was, the practice of this kingdom in criminal caſes." After enlarging a little more on the ſubject, he quoted the opinions and reſolutions of thoſe judges who were eſteemed the ſages of the law: Stamford, in his Pleas of the Crown, judge Forteſcue, Fitzherbert, Newton, and Sir Edward Coke, who had advanced in the houſe of Commons, that one committed by the body of the council was not bailable by law. After he had dwelt ſome time on theſe authorities, and made ſome frivolous objections to the precedents which had been quoted on the other ſide, he purſued his argument in the following manner: "But it hath been objected, that if the King or council may commit, without ſhewing cauſe, it would be infinitely full of miſchief: for as the King may commit one, ſo he may commit many; as he may commit for a juſt cauſe, ſo he may commit without a cauſe; as he may commit for a time, ſo he may commit for a perpetual impriſonment. To this I anſwer, that it cannot be imagined of the King that he will at any time, or in any caſe, do injuſtice to his ſubjects. It is a maxim in our law that the King can do no wrong; therefore the King can give no land by diſſeiſin; he can give no advowſon by uſurpation; and this is ſo far from being a defect or impotency in the King, that it is held for a point of his prerogative.* The reaſon is, as the King is ſupreme governor of his people, ſo he is *pater patriæ*, therefore he cannot want the affection of a father towards his children." He then

* Theſe two examples of legal reſtraints upon the prerogative are directly contrary to the point of ſuppoſed infallibility in the prince.

proceeded

Anno 1628. proceeded to exemplify the neceſſity of truſting the King with the queſtioned point of power, inſtancing two pretended neceſſary acts of tyranny of Elizabeth; the one in impriſoning ſome ſuſpected perſons till one Owen, a chief conſpirator, was caught, and the other in committing to perpetual confinement the two innocent ſons of the Iriſh rebel O'Donnel.

Parl. Hiſt. vol. III. p. 47, & ſeq. Ephemeris Parliamentaria, p. 142, & ſeq.

Serjeant Aſhly ſeconded what the attorney-general had advanced, by aſſerting, that by *lex terræ* could only be meant the law of the land; that there were divers laws of the land, as the common law, the law of the Chancery, the eccleſiaſtical law, the law of the Admiralty, or the marine law, the law of merchants, the martial law, and the law of the ſtate; that theſe words, *legem terræ*, extended to all theſe; and that by this law of ſtate kings could impriſon their ſubjects at their pleaſure, without ſhewing the cauſe. "Divine truth informs us, ſaid he, that kings have their power from God, and are repreſentative gods; the pſalmiſt calling them the children of the Moſt High, which is in a more eſpecial manner underſtood of kings than of other men; for all the ſons of Adam are by creation the children of God, and all the ſons of Abraham are, by re-creation, or regeneration, the children of the Moſt High: But it is ſaid of Kings, they are the children of the Moſt High in reſpect of the power which is committed to them, who hath alſo furniſhed them with ornaments and arms fit for the exerciſing that power, and given them ſceptres and crowns; ſceptres to inſtitute, and ſwords to execute laws; and crowns, as enſigns of that power and dignity with which they are inveſted. Shall we, then, conceive that our King hath ſo far tranſmitted the power of his ſword to inferior magiſtrates

magiſtrates that he hath not reſerved ſo much ſupreme power as to commit an offender to priſon." Anno 1628.

Serjeant Aſhley's zeal for ſlavery ſubjected him to this ominous reproof from the lord-preſident, who told the gentlemen of the houſe of Commons, that though at this free conference liberty was given by the Lords to the King's counſel to ſpeak what they thought fit for his majeſty's ſervice, yet Mr. Serjeant Aſhley had no authority or direction from them to ſpeak in the manner he had done. Parl. Hiſt. vol. VIII. p. 53.

Theſe were the anſwers of the committee to what had been advanced on the King's ſide by the attorney and the ſerjeant: and, firſt, Mr. Littleton ſaid, that they had never reſtrained the proceſs of the law to writs original; but by the words, "proceſs of the law," they underſtood the whole proceedings of the law, and ſo took in the conſtables, and all thoſe inferior officers, who, notwithſtanding, are never uſed without a cauſe. He ſhewed the futility of Mr. Attorney's concluſion, and then ſaid, that as to what Mr. Serjeant underſtood *per legem terræ*, many laws in England, martial, admiral, eccleſiaſtical, and that of the ninth of Edw. III. called merchant law, he challenged any man in England to ſhew that *lex terræ* ſhould be ſpoken of any but the common law, in any law-book, ſtatute, or antient record. "And, continued he, for what that gentleman objects, that the houſe of Commons think they have gained their cauſe, becauſe the king's counſel have yielded the ſtatutes to be in force; alas! we do not labor for victory, but truth; convince our underſtandings by better reaſons, and the cauſe ſhall be yours." Ibid. & ſeq.

Anno 1628. Sir Edward Coke took up the example of O'Donnel's children, and ſaid, that it was a ſtrange proviſo that a thing happening in an hundred year ſhould overthrow and mar ſo many ſtatutes in continual uſe, againſt the old rule, "*ad eaquæ frequentius accidunt jura adaptantur.*" To the next example which Mr. Attorney had brought, that a king is truſted in greater things, as war, money, pardons, deniſons, *ergo*, &c. "I deny, ſaid he, that theſe are greater things, for the liberty of the perſon is beyond them all; beſides, whatever the King's power is in theſe points by the common law, yet is it qualified by acts of parliament." To prove this aſſertion, Sir Edward Coke cited ſeveral ſtatutes. "The common law, continued he, hath ſo admeaſured the King's prerogative, as he cannot prejudice any man in his inheritance: Law doth priviſege noblemen in arreſts; this new doctrine, like the little god Terminus, yields to none; nay, the judges themſelves, when they ſhould ſit on the bench, muſt be walking towards the Tower*."

* Sir Edward Coke, with a very laudable candor, owned that his former opinion was an erroneous one. He complained that he had not been well dealt with to have his reports, whilſt a ſtudent, cited againſt him. He deſired Mr. Attorney to remember that he had not *veritatem ex cathedrâ*, or infallibility of ſpirit. He owned that he had miſgrounded his opinion on the thirty-third of Henry VI. which being nothing to the purpoſe, he was aſſured that his opinion was nothing to the purpoſe. "I confeſs, ſaid he, when I read Stamford then, and had it in my hand, I was of that opinion at the council-table; but when I perceived that ſome of the members of this houſe were taken away, even in the face of this houſe, and ſent to priſon, and when I was not far off from that place myſelf, I went to my book, and would not be quiet till I had ſatisfied myſelf: Stamford at firſt was my guide, but my guide hath deceived me, and therefore I ſwerve from it; I have now better guides—acts of parliament, and other precedents; theſe are now my guides." *Parl. Hiſt.* vol. VIII. p. 62. *Guthrie*, vol. III. p. 878.

Mr. Glanville obſerved that the King might ſafely be truſted with what concerned himſelf equally with the ſubject, but not with what only concerned the ſubject: "We allow him a liberty to confer grace, adds he; but not, without cauſe, to inflict puniſhment; and indeed he cannot do injury, for if he commanded to do a man wrong, the command is void in law, and the actor becomes the wrong-doer." Anno 1628.

Mr. Selden uſed many learned arguments to enforce the foregoing ones, and deſired the Lords to weigh the difference between the King's counſel and their antagoniſts: "The King's counſel, ſaid he, ſpeak for the King's advantage, as gloſſers and parties; but the condition of their antagoniſts is this, that as they are members of the houſe of Commons they are bound to ſpeak truth, and alſo, by a ſtrict oath, to maintain the King's rights and pre-eminence."

Sir Edward Coke concluded with this ſpeech: "My lords, your noble anceſtors, whoſe places you hold, were parties to Magna Charta, ſo called for weight and ſubſtance; and you, my lords the biſhops, are commanded to thunder out your anathemas againſt all infringers of it; and all the worthy judges who deſerved their places have ever held Magna Charta in great eſtimation. Now as juſtice hath a ſword, ſo it hath a balance: Put together, my noble lords, in one balance, ſeven acts of parliament, records, precedents, reaſons, all which we have ſpoken, and that ſtatute of the eighteenth of Edw. III. whereto there has been no anſwer; and, in God's name, put into the other balance what Mr. Attorney hath ſaid, his wit, learning, and great endowments of nature; and if he be weightier, let him have it: if not, then conclude with us. You are involved

Anno 1628. in the ſame danger with us, and therefore we deſire you, in the name of the Commons of England, repreſented in us, that we may have cauſe to give God and the King thanks for your juſtice in complying with us."

Mr. Attorney ſummed up the arguments, and Mr. Noy rejoined, That it was agreed on both ſides, that the King might commit for a cauſe, not without. But Mr. Attorney had ſaid, he was not bound to expreſs a cauſe; to which it was replied, that the judges are to judge between him and his people, *ergo*, no cauſe no judgment; and therefore the King ought not to commit for any time, no, not an hour, without expreſſing the cauſe.

Parl. Hiſt. vol. VIII. p. 68, &c. ſeq.

In a committee of the houſe of Lords on this conference, on a motion of the earl of Warwick, a ſpirited popular peer, ſerjeant Aſhley was taken into cuſtody for the unconſtitutional doctrine he had advanced in behalf of the crown *. This noble lord diſplayed a ſtrong and lively talent of reaſoning in ſupport of what had been advanced by the Commons. "I will obſerve ſomething out of the law, ſaid he, wherein this liberty of the ſubjects perſon is founded, and ſomething out of the precedents which have been alledged. As to Magna Charta, and the reſt, concerning theſe points, they are acknowledged by all to be now in force; that they were made to ſecure the ſub-

* On a petition, expreſſing his ſorrow for the diſpleaſure he had given, and deſiring to make ſuch recognition as the Lords ſhould enjoin him, he was admitted to make his ſubmiſſion, and aſk forgiveneſs for his fault; this he did upon his knees, and was then diſcharged from cuſtody. The grounds of the accuſation againſt him were the pleading, that the King muſt be allowed to govern by a law of ſtate. *Parl. Hiſt.* vol. VIII. p. 68, *& ſeq.*

ject

ject from wrongful impriſonment; and that they concern the King as much or rather more than the ſubject. Well then, beſides Magna Charta, and thoſe ſix other acts of parliament, in the very point, we know that Magna Charta itſelf hath been at leaſt thirty times confirmed, ſo now at this time we have thirty-ſix or thirty-ſeven acts of parliament to confirm this liberty, although it was made a matter of deriſion the other day in this houſe.—Now, therefore, if in parliament we ſhall make any doubt of that which is ſo fully confirmed by parliament; and, in a caſe ſo clear, go about by new gloſſes to alter theſe old and good laws; we ſhall not only forſake the ſteps of our fore-fathers, who, in caſes even of ſmall importance, would anſwer *Nolumus leges Angliæ mutari*, but we ſhall yield up and betray our right in the greateſt inheritance the ſubjects of England have, and that is the laws of England. Truly, I wonder how any man can think that this houſe, though no lawyers, can admit of ſuch a gloſs upon a plain text as ſhould overthrow the very end and deſign of the law. For whereas the law of Magna Charta is, that no freeman ſhall be impriſoned but by lawful judgment of his peers, or the law of the land, it has been inſiſted on by ſome, that by theſe words, "the law of the land," it is to be underſtood that the King hath power to commit without ſhewing any cauſe; which is an expoſition not only expreſly contrary to other acts of parliament, and thoſe eſpecially before cited, but againſt common ſenſe. Mr. Attorney confeſſeth this law concerneth the King; why then, where the law ſaith the King ſhall not commit but by the law of the land, the meaning muſt be, as Mr. Attorney would have it, that the King muſt not commit but at his own pleaſure. And ſhall Anno 1628.

Anno 1628. we think that our anceſtors were ſo fooliſh as to hazard their perſons and eſtates, and labor ſo much to get a law, and to have it thirty times confirmed, that the King might not commit his ſubjects but at his own pleaſure? nothing can be more ridiculous, or more contrary to reaſon and common ſenſe. — Mr. Serjeant Aſhley the other day told your lordſhips of the emblem of a king; but by his leave he made a wrong uſe of it, for the king holds in one hand the globe, and in the other the ſceptre, the types of ſovereignty and mercy; but his ſword of juſtice is ever carried before him by a miniſter of juſtice, which ſhews that ſubjects may have their remedies for injuſtice done, and that appeals lie to higher powers."

The concluſion of the debates of this houſe was, that a commitment by the King or his council is good in point of authority; and, if the cauſe of the commitment was juſt, then it was good in point of matter; but that theſe two conceſſions were no way to prejudice the King's authority, nor yet the propoſitions of the houſe of Commons.

Notwithſtanding the continual importuning meſſages with which the Commons were plied from the throne, they were at this time ſolely engaged in preparing the Petition of Right. The ſubſidy-bill had not paſſed, and Charles was in a perplexing ſituation: The Commons he found deaf to every propoſal which thwarted their intended purpoſe; to loſe the ſupply, and diſſolve the parliament, on the refuſal of aſſenting to that which had been clearly proved the legal privileges of the ſubject, was a meaſure which even the deſperate Buckingham would not venture on. To confirm privileges which claſhed ſo entirely with the pretenſions of the crown, privileges which

evinced

evinced the injuſtice of the late meaſures, was a condeſcenſion inſupportably humiliating to the monarchical Charles. Anno 1628.

His party had prevailed ſo far in the houſe of Lords, that they had ſent the following meſſage to the Commons: That they concurred with that aſſembly in their deſire of all juſt liberties to the ſubject, but they found it fit and neceſſary alſo to preſerve the juſt prerogative of the King: And to the end that both houſes might agree therein, they deſired another conference on the ſubject. In this conference the archbiſhop of Canterbury, who, though a good man, was an indifferent politician, propoſed that certain propoſitions, inſtead of the Petition of Right, ſhould be preſented by both houſes to the King for his aſſent. The ſubſtance of theſe propoſitions was, That the King ſhould declare that Magna Charta, and the ſix ſubſequent ſtatutes, were yet in force; that every free ſubject had a property in his goods; that it was his royal pleaſure that his ſubjects ſhould enjoy all the privileges their anceſtors enjoyed under the beſt and the moſt noble of his progenitors; that in all cauſes within the cognizance of the civil law, and concerning the liberty of the ſubject, he would proceed according to the laws eſtabliſhed in the realm; that he would reſolve not to uſe his prerogative to the prejudice of his people; and if he ſhould find juſt cauſe of ſtate to impriſon or reſtrain any man's perſon, that he would graciouſly declare that he would, within a convenient time, expreſs the cauſe of the commitment or reſtraint, either general or ſpecial, and, upon a cauſe ſo expreſſed, would leave him immediately to be tried according to the common juſtice of the kingdom.

Conference between the two houſes.

Ephemeris Parliamentaria, p. 53, & ſeq.

Men leſs judicious and clear-ſighted than were

Anno 1628. the members who compoſed the preſent houſe of Commons, might have ſeen that theſe propoſitions were ſo far from anſwering the purpoſe of reſtraining the prerogative, that they acknowledged a power in the King which defeated the intent of every ſtatute which had been made in favor of the ſubject. The Commons avoided quarrelling with the Lords at this critical juncture; therefore, without making any comment on their propoſal, they in very civil terms excuſed themſelves from aſſenting to it, and ſteadily adhered to their own reſolution.

This conference was immediately followed by a ſpeech from the lord-keeper, which aſſured the two houſes, that the King looked upon the ſtatutes inſiſted upon for the ſubjects' liberty to be all in force; that he will maintain all his ſubjects in the juſt freedom of their perſons, and ſafety of their eſtates; that he will govern according to the laws and ſtatutes of the realm, and that they ſhall find as much ſecurity in his royal word and promiſe, as by any law they could make.

It would ſwell this work with much inſipid matter to relate all the abſurd ſpeeches and meſſages which paſſed on this occaſion: Secretary Cook enlarged upon them all. The following arguments were at different times uſed by this tool of royalty, to bring the Commons to acknowledge the court creed; viz. A ſovereignty in the prince ſuperior to laws; that theſe might direct, but could not reſtrain, a monarch; and that conſequently the ſubjects' ſureſt dependance was on the word of their King, who would look upon himſelf as bound by the ſacred ties of honor to keep what he had ſolemnly promiſed. "Whatſoever law we can make, ſaid Cook, muſt come to his majeſty's allowance; and if his majeſty find cauſe in his

Parl. Hiſt. vol. VIII. p. 79, & ſeq. p. 95, & ſeq.

his government, he need not put life to it. We Anno 1628.
daily ſee all laws are broken, and all laws muſt be broken, for the public good. The wrath of a King is like the roaring of a lion, and all laws, with his wrath, are of no effect; but the King's favor is like the dew of the graſs; there all will proſper, and may God make him the inſtrument to unite all our hearts. The King's heart is in his promiſe; is not his majeſty engaged in his royal word? can we do more? we are come to the liberty of the ſubject, and the prerogative of the King. I hope we ſhall not add any thing to ourſelves to depreſs him. Will we in this neceſſity ſtrive to bring ourſelves into a better condition, and greater liberty, than our fathers had, and the crown into a worſe? I dare not adviſe his majeſty to admit that. We deal with a wiſe and valiant prince, who hath a ſword in his hand for our good, and this good is ſupported by power. Do not think that by caſes of law and debate we can make that to be no law, which, in experience, we every day find neceſſary. Make what law you will, government is a ſolid thing, and muſt be ſupported for our good. If I will diſcharge my duty, added he, and the oath I have taken to his majeſty, I muſt commit, and neither expreſs the cauſe to the goaler nor to the judges, nor to any counſellor in England, but to the King himſelf. Yet do not think I go without ground or reaſon, or take this power committed to me to be unlimited; yea, to me it is rather a charge, burthen, and danger; for if I, by this power, ſhall commit the pooreſt porter, if it appear I do it not upon a juſt cauſe, the burthen will fall heavier upon me than the law can inflict, for I ſhall loſe my credit with his majeſty, and alſo my place; and I beſeech you conſider whether thoſe who have been

in

Anno 1628. in the ſame place have not committed freely, and not any doubt made of it, nor complaint from the ſubject."

Had the meaning of Charles's anxiety to get rid of the Petition of Right been leſs apparent to the Commons than it really was, this doctrine would have ſufficiently ſhewn what uſe the monarch intended to make of the demanded forbearance; that what the Commons inſiſted on as their undoubted right he would have conſtrued as flowing from royal favor; that the power of princes could not be limited by human bonds; and that the rectitude of their judgment was the only ſafeguard of ſubjects; that all laws muſt give way to reaſons of ſtate, of which reaſons of ſtate ſovereigns were the ſole judges.

Debates in the lower houſe. Parl. Hiſt. vol. VIII. p. 101, & ſeq.

"Was ever a verbal declaration of the King, ſaid Sir Edward Coke, *verbum regis?* When grievances be, the parliament is to redreſs them. Did ever parliament rely on meſſages? they put up petitions of their grievances, and the King ever anſwered. The King's anſwers are very gracious: But what is the law of the realm? that is the queſtion. All ſucceeding Kings will ſay, "Ye muſt truſt me as ye did my predeceſſors, and truſt my meſſages." But meſſages of love never came into a parliament; let us put up a Petition of Right; not that I diſtruſt the King, but that I cannot take his truſt but in a parliamentary way."

Ruſhworth, vol. I. p. 554.

"Never houſe of Commons, ſaid Sir Thomas Wentworth, truſted more in the goodneſs of their King, ſo far as regarded themſelves only, as the preſent; but we are ambitious that his majeſty's goodneſs may remain to poſterity, and we are accountable to a public truſt: And therefore, ſeeing there hath been a public violation of the laws

by

by his miniſters, nothing can ſatisfy them but a public amends."

Anno 1628.

The ſubſtance of this ſpeech was delivered to the King in an anſwer to the many importunate meſſages he had ſent the Commons to rely upon his royal word. This drew from him an aſſent to the propoſed bill; but the very next day ſecretary Cook again importuned the houſe on the old ſtrain of depending on the faith of the crown *. Charles, as a proof how much that faith was to be relied on, after having given the Commons to underſtand that he aſſented to their deſire of a confirmation of the privilege of the ſubject in their own way, ſent a letter to the Lords to fruſtate the intent of the petition: viz. That he could not give up the point of committing in matters of ſtate; that he promiſed for the future to be very tender of the peoples' privileges; to commit none for not lending money; and that the cauſes of all commitments ſhould be expreſſed as ſoon as they could with ſafety.

Parl. Hiſt. vol. VIII. p. 110, & ſeq.

Trifling and unſatisfactory as were theſe aſſurances, they had ſo much weight with the Lords †, that they recommended to the Commons that

* Secretary Cook propoſed that this point ſhould be debated before the houſe, and not before a committee, ſaying, that it was a new courſe to go into a committee of the whole houſe. This propoſal of ſecretary Cook was not aſſented to, and Sir John Elliot replied, that the proceeding in a committee was more honorable and advantageous, both to the King and the houſe; for that way led moſt to truth, as it was a more open way, where every man might add his reaſons, and make anſwer upon the hearing other mens' reaſons and arguments. *Parl. Hiſt.* vol. VIII. p. 104.

† Whilſt the Commons had been wholly employed on the comprehenſive ſubject of public Liberty, the Lords had been buſied in matters concerning their own particular ariſtocratical privileges.

their

Anno 1628. their petition might be reduced within the compaſs of the King's letter. The Commons refuſed to proceed upon the letter, as being contrary to the cuſtom of parliaments; but offered to confer on any alterations which ſhould be propounded by the Lords. The Lords, after having debated this matter ſome days, reſolved on the following addition to the Petition, which the Commons had referred to their approbation: "We humbly preſent this Petition to your majeſty, not only with a care of preſerving our own liberties, but with due regard to leave entire that ſovereign power wherewith your majeſty is truſted for the protection, ſafety, and happineſs, of your people *."

The Lords propoſe an addition to the Petition of Right.

It is difficult to imagine that the Lords could be ſo totally blind to conſequences, as not to perceive the weighty objections to this clauſe; or that the popular lords would have ſuffered it eaſily to paſs, if they had not been certain of its fate in the lower houſe. It was rejected there with a warmth equal to the importance of the queſtion.

"Let us look into the records, ſaid Mr. Alford, and ſee what this ſovereign power is. Bodin ſaith, that it is free from any conditions: By this we ſhall acknowledge a regal as well as a legal

Debates on this propoſal. Ruſhworth, vol I. p. 562, & ſeq.

* In a committee of the whole houſe on the contents of this petition, the lord Say moved, that thoſe lords who ſtood for the liberties of the nation might make their proteſtation, and that to be upon record; and the oppoſite party ſhould, with the ſubſcription of their names, enter their reaſons, to remain upon record; that ſo poſterity might not be to ſeek who they were who ſo ignobly betrayed the Freedom of their country. The oppreſſed biſhop of Lincoln was the ſycophant who chiefly promoted the adding this clauſe to the petition. *Sanderſon's Life of King Charles*, p. 110.

gal power. Let us give that to the King the law gives him, and no more." Anno 1628.

"All our petition, ſaid Mr. Pym, is for the laws of England; and this power ſeems to be another diſtinct power from the power of the law. I know how to add ſovereign to the King's perſon but not to his power."

"We cannot admit, ſaid Mr. Hackwell, of theſe words with ſafety; they are applicable to all the parts of the Petition; it is in the nature of a ſaving; all the laws we cite are without a ſaving; and yet now, after the violation of them, muſt we add a ſaving?"

"This is *magnum in parvo*, ſaid Sir Edward Coke; it is a matter of great weight; it will overthrow all our Petition; it trencheth to all parts of it; it flies at loans, at the oath, at impriſonment, and at billeting ſoldiers; this turns all about again. Look into all the petitions of former times, they never petitioned wherein there was a ſaving of the King's ſovereignty. I know that prerogative is part of the law; but ſovereign power is no parliamentary word. In my opinion it weakens Magna Charta, and all the ſtatutes; for they are abſolute, without any ſaving of ſovereign power: And ſhould we now add it, it will weaken the foundation of law, and then the building muſt fall. Take we heed what we yield unto: Magna Charta is ſuch a fellow that he will have no ſovereign."

Sir Thomas Wentworth and Mr. Noy ſpoke to the ſame purpoſe. Mr. Selden ſhewed, that there never had been ſuch a clauſe in any preceding ſtatute, excepting in one petition of the parliament in the twenty-eighth of Edward I. but this was ſo much diſliked by the people, that, on a repreſentation to the King, it was taken away by

Anno 1628. the next parliament. Mr. Maſon made an excellent ſpeech on the ſame ſubject: After having obſerved that Magna Charta was framed to limit the arbitrary power which the Norman race aſſumed on the conqueſt of our anceſtors, "The ſtatutes then mentioned in our petition, added he, reſtraining that abſolute power of the conqueror. If we recite thoſe ſtatutes, and ſay we leave entire that ſovereign power, we do take away that reſtraint which is the virtue and ſtrength of thoſe ſtatutes, and do hereby ſet at liberty this claim of ſovereign power of a conqueror, which then will be limited and reſtrained by no laws. And it was ſaid, that all ſovereign power is not mentioned to be left, but only that with which the King is truſted for our protection, ſafety, and happineſs. But I conceive this to be an exception of all ſovereign power; for all ſovereign power in a King is for the protection, ſafety, and happineſs of his people. If all ſovereign power be excepted, you may eaſily judge the conſequence, all loans and taxes being impoſed by color of that ſovereign power. The word *truſted* is very ambiguous, whether it be meant truſted by God only as a conqueror, or by the people alſo as a King, who is to govern according to law, *ex pacto* *.—If this addition does not refer to the petition, it is merely uſeleſs and unneceſſary, and unbefitting the judgment of this grave and great aſſembly to add to a petition of this weight. If it hath reference to it, then it deſtroys not only the virtue and ſtrength of our Petition

* Both Charles and his father aſſerted on all occaſions, that they held their power from God, and were to him only accountable for their actions. This was not the creed of the houſe of Commons: but they no where expreſs their ſentiments on this head more ſtrongly than they are here expreſſed in this part of Mr. Maſon's ſpeech.

of Right, but our rights themſelves; for the addition being referred to each part of the Petition, it will neceſſarily receive this conſtruction; viz. That none ought to be compelled to make any gift, loan, or ſuch-like charge, without common conſent or act of parliament, unleſs it be by the ſovereign power with which the King is entruſted for the protection, ſafety, and happineſs of his people; that none ought to be compelled to ſojourn or billet ſoldiers, unleſs by the ſame ſovereign power; and ſo of the reſt of the rights of the Petition: And then the moſt favorable conſtruction will be, that the King hath an ordinary prerogative, and by that he cannot impoſe taxes or impriſon; that is, he cannot impoſe taxes at his will, or employ them as he pleaſeth; but that he hath an extraordinary and tranſcendant ſovereign power, for the protection and happineſs of his people, and for ſuch purpoſe he may impoſe taxes or billet ſoldiers as he pleaſeth. And we may aſſure ourſelves, that hereafter all loans, taxes, or billeting ſoldiers, will be ſaid to be for the protection, ſafety, and happineſs of the people; certainly hereafter it will be conceived, that an houſe of parliament would not have made an unneceſſary addition to this Petition of Right; and therefore it will be reſolved, that the addition hath relation to the Petition, which will have ſuch operation as I have formerly declared. And I the rather fear it, becauſe the late loan and billeting have been declared to have been by ſovereign power, for the good of ourſelves: And if it be doubtful whether this propoſition hath reference to the petition or not, I know who ſhall judge whether loans or impriſonments hereafter be by that ſovereign power or not *."

Anno 1628.

* This judicious member had influenced the houſe not to make their reſolutions on the point of perſonal liberty the pre-

Anno 1628. Such were the debates of the Commons, when a meſſage from the King to both houſes occa-

premiſes of their Bill of Rights. "Becauſe ſaid he, if by an act of explanation we ſhall provide only that the cauſe ought to be expreſſed upon the return of the Habeas Corpus, then out of the words of the ſtatute it will neceſſarily be inferred, that before the return of the Habeas Corpus the cauſe need not to be expreſſed, becauſe the ſtatute hath appointed the time of the expreſſion of the cauſe. This then, which we term an act of explanation, will be an act for the abridging Magna Charta, and the reſt of the ſtatutes. In my underſtanding, the words of this intended law, "That no freeman ought to be committed without cauſe," can no way advantage us, or ſatisfy the objection. For, till the return of the Habeas Corpus, he who commits is judge of the cauſe, or at leaſt hath a licence by this law till that time to conceal the cauſe, and the gaoler is not ſubject to any action for the detaining the priſoner upon ſuch a command: For if the priſoner demand the cauſe of his commitment of the gaoler, it will be a ſafe anſwer for him to ſay that he detained the priſoner by warrant, and that it belongs not unto him to deſire thoſe who commit the priſoner to ſhew the cauſe until he returns the Habeas Corpus. And if the priſoner be a ſuitor to know the cauſe from thoſe who committed him, it will be a ſufficient anſwer for them to ſay, they will expreſs the cauſe at the return of the Habeas Corpus. In this caſe there will be wrong, becauſe the commitment is without cauſe expreſſed, and one who ſuffers that wrong, viz. the party impriſoned; and yet no ſuch wrong-doer but may excuſe, if not juſtify himſelf, by this law. And if the priſoner procure a Habeas Corpus, and be brought into the King's Bench by virtue of it, yet the cauſe need not to be then expreſſed, the proviſion of this law being, that if no cauſe be then expreſſed he ſhall be bailed; and no cauſe being ſhewn upon the return of the Habeas Corpus, yet it may be pretended, that, at the time of his commitment, there were ſtrong preſumptions of ſome great offence; but, upon farther examination, they are cleared. So we may be frequently impriſoned in this manner, and never underſtand the cauſe; and have often ſuch puniſhments, and no means to juſtify ourſelves: And for all theſe proceedings this very law will be the juſtification and color. If by this act there be a toleration of impriſonment, without ſhewing cauſe until the return of the Habeas Corpus, yet it is poſſible to accompany that impriſonment with ſuch circumſtances of cloſe reſtraint, and others which I forbear to expreſs, as may make an impriſonment for that ſhort time as

great

tioned another conference on the ſubject. The rational part of the arguments urged to the Lords againſt this propoſal were pretty much the ſame with thoſe contained in Mr. Maſon's ſpeech *. The conviction they carried with them did not prevent the Lords from deſiring another conference, to conſider of any other way to expreſs a reſpect of the King's power, either by manifeſtation, declaration, or proteſt. This propoſal was rejected by the Commons with diſdain; and the Lords at length concluded this tedious affair with a reſolution to clear themſelves from any deſign to reſtrain the prerogative of the crown, by the following declaration:

Anno 1628. Conference between the two houſes.

great a puniſhment as a perpetual impriſonment, in the ordinary manner." Here Mr. Maſon ſhewed that the ſenſe of theſe reſolutions might be ſo far evaded, that a man might be tranſlated from one priſon to another, and his whole life be ſpent in this peregrination. In the concluſion of this ſpeech he obſerved, that nothing but ſuch an act of parliament could give the King a legal power to commit without expreſſing a lawful cauſe; and added, that by providing for reaſons of ſtate they might ſpring a leak which might ſink all their liberties, and open a gap through which Magna Charta, and all the ſtatutes, might iſſue out and vaniſh. *Parl. Hiſt.* vol. VIII. p. 89, *&c.*

* Sir Henry Martin put the Lords in mind of the moderation with which the Commons had conducted this affair. "We are not ignorant, ſaid he, in what language our predeceſſors were wont to expreſs themſelves on much lighter provocations; and in what ſtile they framed their petitions. No leſs amends could ſerve their turn than ſevere commiſſions to enquire upon the violaters of their liberties; baniſhment of ſome, execution of other offenders, more liberties, new oaths of magiſtrates, judges, and officers, with many other proviſions, written in blood. Yet from us there hath been heard no angry words in this petition; no man's perſon is named; we ſay no more than what a worm trodden upon would ſay, I pray tread upon me no more." *Parl. Hiſt.* vol. VIII. p. 137, *&c.*

Anno 1628. "May it please your most excellent majesty; we, the Lords spiritual and temporal, in your high court of parliament assembled, do humbly and unanimously declare unto your majesty, that our intention is not to lessen or impeach any thing which, by the oath of supremacy, we have sworn to assist and defend."

The Petition of Right passes both houses. June 2.

The Lords were told by the duke of Buckingham, that this declaration was most welcome to his majesty. The Petition now passed both houses, and in four days afterwards the King came to the house; and, after having observed to the Lords and Commons the shortness of the time he had taken to answer their Petition, and the lord-keeper had put both houses in mind that they had professed to have no intention to lessen or diminish his majesty's prerogative, the Petition being read, Charles gave this answer:

The King's answer to the Petition of Right.

"The King willeth that right be done, according to the laws and customs of the realm, and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong or oppression contrary to their just rights and liberties; to the preservation whereof he holds himself as much obliged as of his own prerogative."

If the Commons had imagined themselves on the point of receiving the fruits of their labor, ingenuity, and forbearance, they must have been inflamed with disappointment, as well as indignation, at this fresh insult on their understandings. It is very certain that they returned in a very ill humor to their house: The King's answer to their Petition of Right was read, and displeased every patriot. On this occasion Sir John Elliot made a long speech, in which he pathetically set forth all the past and present grievances

Debates on the King's answer.

of

of the times. Sir Edward Coke propounded, that a remonſtrance ſhould be preſented, touching the preſent dangers, and the means of ſafety, for the King and kingdom: This was agreed on, and entruſted to the committee for the bill of ſubſidies. Secretary Cook completed the preſent diſguſt, by giving the houſe to underſtand, that his majeſty having, upon the Petition exhibited to him by both houſes, given an anſwer ſo full of juſtice, and grace, that themſelves and their poſterity had juſt cauſe to bleſs him, intended to put an end to this ſeſſion of parliament on Wedneſday the eleventh. Anno 1628.

The Petition of Right had ſo wholly engroſſed the attention of the Commons, that all other buſineſs was for a time ſuſpended. The offender Manwaring now felt the whole weight of their reſentment: A heavy charge was brought in againſt this ſycophant, who had ſo prophanely proſtituted religion to the purpoſes of baſe policy *. The Commons were employed in this Charge againſt Manwaring.

* Among other offenſive ſermons which had been preached before the King, one by Dr. Goodman (biſhop of Glouceſter) aſſerted, in a poſitive and literal explication, the real preſence of Chriſt in the ſacrament of the Lord's Supper. This doctrine occaſioned great ſcandal; yet the King would not ſuffer the convocation to take cognizance of it, but referred it to the archbiſhop of Canterbury, the biſhops of Wincheſter, Durham, and St. David's, and the affair was concluded by the biſhop's preaching the ſermon again, with explanatory obſervations. Before I leave this ſubject, it may not be improper to notice, that Laud had been ſent by Buckingham to Andrews biſhop of Wincheſter, to propoſe that that the convocation ſhould take under conſideration the ſubject of diſpute between the Arminians and their antagoniſts the Calviniſts. On Andrews's repreſentation of the affections of the clergy, the buſineſs was poſtponed, as the Arminian tenets were not ſo generally entertained as to truſt the determination of thoſe points to a convocation. *Heylin's Life of Laud*, fol. ed. 1668, p. 153.

Anno 1628. buſineſs when they received the King's meſſage concerning the termination of the ſeſſion. The meſſage was entirely diſregarded; a declaration againſt Manwaring completed, and Mr. Pym, who preſided in all the committees concerning religion, managed the charge which was brought againſt him in the upper houſe.

Parl. Hiſt. vol. VIII. p. 189, & ſeq.

Charles, being highly offended at the ſlight put upon his laſt meſſage, ordered the Lords to adjourn for a day; and ſent another meſſage to the lower houſe, requiring them not to enter upon new buſineſs, which might ſpend greater time, or might lay any ſcandal or aſperſion upon the government. Warm debates enſued on the occaſion of this ungracious interruption: Sir Robert Philips propoſed to addreſs the King for leave to return home immediately, ſince they were ſtopped from giving advice, and what they had hitherto done of advantage to their country had been groſly miſrepreſented. Sir John Elliot began a ſpeech to the ſame effect, but was interrupted by the ſpeaker; who, imagining he was going to tax Buckingham, ſtarted up from his chair, and ſaid, "There is a command laid upon me to interrupt any who ſhall go about to lay an aſperſion on the miniſters of ſtate." On this interruption Sir John Elliot ſat down: Some of the court-party ſaid, that the ſpeech lately made by that member had, they feared, given offence to his majeſty. This occaſioned a declaration of the houſe, that every member was free from any undutiful ſpeech, from the beginning of the parliament to that day. After this, they turned themſelves into a grand committee; but the ſpeaker deſired leave to withdraw for half an hour *.

* On all the important debates which had been held this ſeſſion, the ſerjeant was ordered to attend on the out ſide of the

His requeſt being granted, the houſe proceed- Anno 1628.
ed on their debate. Mr. Wandsford ſaid, "I think it is fit we go to the King, for this doth concern our liberties. Let us not fear to make a remonſtrance of our rights; we are his counſellors. There are ſome men who call evil good, and good evil. Juſtice is now called Faction." Sir Edward Coke, after having dilated on the moderation with which the Commons had conducted themſelves, after ſuch a violation of their privileges, and, from the examples of former times, had ſhewn that nothing could grow to abuſe but what that houſe had power to treat of, added, "Let us palliate no longer: I think the duke of Buckingham is the cauſe of all our miſeries." On the naming this deteſted miniſter as the general nuiſance, the whole houſe cried out, "'Tis he! 'tis he!" Every mouth was open to accuſe him. Mr. Selden adviſed that a declaration ſhould be drawn up, under four heads; 1. To expreſs the houſe's dutiful carriage towards his majeſty; 2. To tender their liberties which were violated; 3. To preſent what the purpoſe of the houſe was to have dealt in; 4. That that great perſon, the duke, fearing himſelf to be queſ-

the door of the houſe, and no man was to offer to go out, upon penalty of being ſent to the Tower. Mr. Kirton obſerved, that for the ſpeaker to deſire to leave the houſe in ſuch a manner, was never heard of before; he feared it would be ominous. The following expreſſion, which this member had uſed in the houſe, was called in queſtion by the court-party: That the enemies of the commonwealth had prevailed on the King to diſpute their rights: but he doubted not but God would ſend them hearts, hands, and ſwords, to cut the throats of the enemies to the King and people. The houſe reſolved, that in this he had ſaid nothing beyond the bounds of duty and allegiance; and that they all concurred with him therein. *Parl. Hiſt.* vol. VIII. p. 164, 192, 199.

Anno 1628. tioned, did interpoſe, and cauſe the preſent diſtraction. "All this time, ſaid he, we have caſt a mantle on what was done laſt parliament; but now, being driven again to look upon that man, let us proceed with that which was then well began; and let the charge be renewed, which was made laſt parliament againſt him; to which he made an anſwer, but the particulars thereof were ſo inſufficient, that we might demand judgment on that very anſwer."

Mr. Selden having thus concluded his ſpeech, whilſt the motion was making to put theſe things to the queſtion, the ſpeaker, who had been privately with the King, brought word, his majeſty commanded that the houſe ſhould adjourn till next morning, and that all committees in the mean time ſhould ceaſe. The houſe thought fit to comply with this command. On the ſucceeding day, the ſpeaker endeavored to ſooth them by many profeſſions of his own zeal for the ſervice of that houſe, with aſſuring them they had miſconſtrued the King's laſt meſſage. At the ſame time he delivered them another to this purpoſe: That the King had no meaning of barring them of their rights, but only to prevent a longer time of conſideration than what he had fixed; and that all Chriſtendom might take notice of a ſweet parting between him and his people.

Debates on grievances reſumed.

Notwithſtanding this ſweetening, the houſe reſumed their debates upon grievances, with an earneſtneſs which boded no relaxation to the firmneſs of their preceding reſolutions. Among other abuſes, they fell upon the deſign of bringing into England a body of German horſe. This was intended to be a ſecret; but it was found out by ſome of the popular members, and communicated to the houſe. On this intelligence, Burlemachi

machi was ordered to attend: He acknowledged Anno 1628.
that he had received thirty thouſand pounds, by privy-ſeal, to buy horſes. Such a diſcovery gave room for the blackeſt comments; the ill intentions of the miniſtry blazed conſpicuous to the public; and Charles, under the opprobrium of the darkeſt ſuſpicions, was obliged to comply with a requeſt of the Commons, that he would give a clear and ſatisfactory anſwer to the Petition of Right *. This requeſt was made next

* The Petition of Right

Humbly ſhews, That whereas it is declared and enacted, by a ſtatute made in the time of the reign of king Edward I. commonly called *Statutum de tallagio non concedendo*, that no tallage or aid ſhall be levied by the King or his heirs, in this realm, without the good will and aſſent of the archbiſhops, biſhops, earls, barons, knights burgeſſes, and other freemen of the commonalty of this realm; and by authority of parliament, holden in the twenty-fifth year of king Edward III. it is declared and enacted, that from henceforth no perſon ſhall be compelled to make any loans to the King againſt his will, becauſe ſuch loans were againſt reaſon, and the franchiſe of the land; and by other laws of this realm it is provided, that none ſhould be charged by any charge or impoſition called a Benevolence, nor by ſuch-like charge; by which the ſtatutes before-mentioned, and other the good laws and ſtatutes of this realm, your ſubjects have inherited this freedom, that they ſhould not be compelled to contribute to any tax, tallage, aid, or other like charge, not ſet by common conſent of parliament: Yet, nevertheleſs, of late divers commiſſions, directed to ſundry commiſſioners in ſeveral counties, with inſtructions, have iſſued; by means whereof your people have been in divers places aſſembled, and required to lend certain ſums of money unto your majeſty; and many of them, upon their refuſal ſo to do, have had an oath adminiſtred unto them, not warrantable by the laws and ſtatutes of this realm, and have been conſtrained to become bound to make appearance and give attendance before your privy-council, and in other places, and others of them have been therefore impriſoned, confined, and ſundry other ways moleſted and diſquieted; and divers others charges have been laid and levied upon your people in ſeveral counties, by lord-lieutenants, de-

Anno 1628. day by the lord-keeper, in the name of both houſes; and the Petition being read, the King

puty-lieutenants, commiſſioners for muſters, juſtices of peace, and others, by command or direction from your majeſty, or your privy-council, againſt the laws and free cuſtoms of this realm:

And whereas alſo by the ſtatute called the Great Charter of the liberties of England, it is declared and enacted, that no freeman may be taken or impriſoned, or be diſſeiſed of his freeholds or liberties, or his free cuſtoms, or be outlawed or exiled, or in any manner deſtroyed, but by the lawful judgment of his peers, or by the law of the land; and in the eight-and-twentieth year of king Edward III. it was declared and enacted, by authority of parliament, that no man of what eſtate or condition that he be, ſhould be put out of his lands or tenements, nor taken, nor impriſoned, nor diſinherited, nor put to death, without being brought to anſwer by due proceſs of law:

Nevertheleſs, againſt the tenor of the ſaid ſtatutes, and other the good laws and ſtatutes of your realm, to that end provided, divers of your ſubjects have of late been impriſoned without any cauſe ſhewn; and when, for their deliverance, they were brought before juſtice, by your majeſty's writs of Habeas Corpus, there to undergo and receive as the court ſhould order, and their keepers commanded to certify the cauſe of their detainer, no cauſe was certified, but that they were detained by your majeſty's ſpecial command, ſignified by the lords of your privy-council; and yet were returned back to ſeveral priſons, without being charged with any thing to which they might make anſwer by due proceſs of law:

And whereas of late great companies of ſoldiers and mariners have been diſperſed into divers counties of the realm, and the inhabitants, againſt their wills, have been compelled to receive them into their houſes, and there to ſuffer them to ſojourn, againſt the laws and cuſtoms of this realm, and to the great grievance and vexation of your people:

And whereas alſo by authority of parliament, in the twenty-fifth year of the reign of king Edward III. it is declared and enacted, that no man ſhould be forejudged of life or limb againſt the form of the Great Charter, and laws of the land; and by the ſaid Great Charter, and other the laws and ſtatutes of this your realm, no man ought to be adjudged to death but by the laws eſtabliſhed in this your realm, either by the cuſtoms of the ſame realm, or by acts of parliament;

and

confirmed it in the fullest form; viz. *Soit droit fait comme il eſt deſiré.* On the pronouncing theſe

Anno 1628. The King paſſes the Petition of Right.

and whereas no offender of what kind ſoever is exempted from the proceedings to be uſed, and puniſhments to be inflicted, by the laws and ſtatutes of this your realm; nevertheleſs, of late divers commiſſions, under your majeſty's great ſeal, have iſſued forth, by which certain perſons have been aſſigned and appointed commiſſioners, with power and authority to proceed within the land, according to the juſtice of martial law, againſt ſuch ſoldiers and mariners, or other diſſolute perſons joining with them, as ſhould commit any murder, robbery, felony, mutiny, or other outrage or miſdemeanor whatſoever; and by ſuch ſummary courſe and order as is agreeable to martial law, and as is uſed in armies in time of war, to proceed to the trial and condemnation of ſuch offenders, and them to cauſe to be executed and put to death, according to the law-martial; by pretext whereof ſome of your majeſty's ſubjects have been, by ſome of the ſaid commiſſioners, put to death; when and where, if by the law and ſtatutes of the land they had deſerved death, by the ſame laws and ſtatutes alſo they might, and by no other ought to, have been adjudged and executed;

And alſo ſundry grievous offenders, by color thereof claiming an exemption, have eſcaped the puniſhments due to them by the laws and ſtatutes of this your realm, by reaſon that divers of your officers and miniſters of juſtice have unjuſtly refuſed or forborn to proceed againſt ſuch offenders according to the ſame laws and ſtatutes, upon pretence that the ſaid offenders were puniſhable only by martial law, and by authority of ſuch commiſſions as aforeſaid; which commiſſions, and all other of like nature, are wholly and directly contrary to the ſaid laws and ſtatutes of this your realm.

They do therefore humbly pray your moſt excellent majeſty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or ſuch-like charge, without common conſent by act of parliament; and that none be called to make anſwer, or take ſuch oath, or to give attendance, or to be confined, or otherwiſe moleſted or diſquieted concerning the ſame, or for the refuſal thereof; and that no freeman, in any ſuch manner as is before mentioned, be imprisoned or detained; and that your majeſty would be pleaſed to remove the ſaid ſoldiers and mariners, and that your people may not be ſo burthened in time to come; and that the foreſaid commiſſions for proceeding by martial law may be revoked and annulled, and that hereafter no com-

Anno 1628. words, the Commons gave a general and loud applauſe *.

The Commons proceed on grievances.

The ſubject of ſupply, which had been ſome time laid aſide, was now reſumed, and an order paſſed that the committees for religion, trade, and courts of juſtice, ſhould ceaſe, and the houſe to proceed only on grievances of the moſt moment. Under this head fell a commiſſion to certain ſtate-officers, to conſider of ways and means for raiſing money to ſupply the exigencies of government. Though there is no mention of an exciſe in this commiſſion, yet we are told ſuch a ſcheme had been under conſideration immediately before the meeting of parliament; and Mr. Windeham affirmed in the houſe, that books of precedents were come over, in which the manner of the exciſe in Holland was related. The commiſſion was

commiſſions of like nature may iſſue forth to any perſon or perſons whatſoever to be executed as aforeſaid, leſt, by color of them, any of your majeſty's ſubjects be deſtroyed, or put to death, contrary to the laws and franchiſes of the land.

All which they moſt humbly pray your moſt excellent majeſty, as their rights and liberties, according to the laws and ſtatutes of this realm; and that your majeſty would alſo vouchſafe to declare, that the awards, doings, and proceedings, to the prejudice of your people, in any of the premiſes, ſhall not be drawn hereafter into conſequence or example; and that your majeſty would be alſo graciouſly pleaſed, for the future comfort and ſafety of your people, to declare your royal will and pleaſure, that in the things aforeſaid all your officers and miniſters ſhall ſerve you according to the laws and ſtatutes of this realm, as they tender the honor of your majeſty, and the proſperity of this kingdom.

This Petition of Right was drawn up by Sir Edward Coke. *Statutes at Large*, vol. II. p. 1096, *& ſeq.*

* When it was generally known that the Petition had been paſſed in the proper form, the city of London reſounded with the rejoicings of all ranks of people. Bonefires and the ringing of bells proclaimed the applauſe of the public. *Sanderſon's Life of Charles* I. p. 113.

& brought

brought into the houſe,‡ and afterwards, by the deſire of the Lords, cancelled by the King. Sir John Strangeways, though a famous royaliſt, adviſed the perfecting the remonſtrance on the ſtate of the adminiſtration: This advice was acceded to, and a remonſtrance framed, ſetting forth, The unconſtitutional ſyſtem of government which had been lately put in practice; the many innovations which had been made on the liberties of the ſubject, in conſequence of that ſyſtem; the national diſhonor and danger brought on the Engliſh from the ill conducting of public affairs; the illegal commiſſion granted to the duke of Buckingham to be general of an army in the land in time of peace*; the dangerous purpoſe of bringing into the country foreign troops †; the abuſes in-

Anno 1628.

Their remonſtrance.

‡ The words of the commiſſion are as follow: "And we do hereby authorize and appoint, and ſtrictly will and require you, that, ſpeedily and ſeriouſly, you enter into conſideration of all the beſt and ſpeedieſt ways and means you can, for raiſing of monies for the moſt important occaſions aforeſaid; which, without extremeſt hazard to us, our dominions, and people, and to our friends and allies, can admit of no long delay; the ſame to be done by impoſitions, or otherwiſe, as in your wiſdoms and beſt judgments ye ſhall find to be moſt convenient in a caſe of this inevitable neceſſity; wherein form and circumſtance muſt be diſpenſed with, rather than the ſubſtance be loſt or hazarded."

In a conference between the Lords and Commons concerning this commiſſion, the Commons recommended to the Lords to make an enquiry who was the projector of the device; and if he could be found out, to inflict an examplary puniſhment on him. *Ruſhworth*, vol. I. p. 614, *& ſeq.* p 616.

* This could not properly be called a time of peace; it was only a ceſſation of arms. Such was the prudent jealouſy of our anceſtors that they could not endure the ſhadow of a military force, except on occaſions of immediate neceſſity.

† The paſſage alluded to is as follows: "We are bold to declare to your majeſty, and the whole world, that we hold it far beneath the heart of any free Engliſhman to think that this victorious nation ſhould now ſtand in need of German ſoldiers to defend their own King and the kingdom."

troduced

Anno 1640. troduced into the œconomy of the finances; the decay of trade; the loſs of ſhips ‡; the abuſe of power; and the late compoſitions made with Popiſh recuſants *; other grievances relative to the encouragement of Popery and Arminianiſm †, the

‡ The committee for trade had brought in a report to the houſe, that of the ſhipping of an hundred tons, or upwards, there had been, in the laſt three years, decayed, caſt away, and taken by the enemy, two hundred and forty-eight great ſhips, and with them a proportionable number of mariners, beſides great loſſes in leſs veſſels; that the merchants whoſe ſhips had been taken up twenty, thirty, thirty-ſix months, all complained that they were not paid the ſmall freight of two ſhillings *per* ton at firſt promiſed. By the means of this diſcouragement, few of them built new veſſels; and thoſe who did build, took care to build them unfit for public ſervice, to avoid their being preſſed. *Epitome of Parliamentaria*, p. 201, *& ſeq.*

* The Commons here put the King in mind of his anſwer to their petition at Oxford on this ſubject; the public reſort to maſs at the queen's chapel, contrary to the ſenſe of that anſwer.

† A proclamation had been iſſued by Charles, forbidding his ſubjects to publiſh any religious doctrine, contrary to the diſcipline of the church of England: The uſe made of this order was, that all books tending to Puritaniſm were ſuppreſſed, whilſt the Arminians enjoyed unmoleſted the liberty of the preſs. This abuſe of power is particularly inſtanced in the remonſtrance, and the biſhops Laud and Neile are mentioned as enjoying too much authority for the ſafety and and tranquility of the ſtate.

The commons complained that Popery was openly profeſſed in Ireland without controul; that Popiſh juriſdictions were exerciſed and avowed; that monaſteries, nunneries, and other ſuperſtitious houſes, were newly erected, re-edified, and repleniſhed with men and women of ſeveral orders, and in a plentiful manner maintained at Dublin, and moſt of of the great towns, and divers other places, of the kingdom of Ireland.

The Papiſts in Ireland were at this time driving a bargain for an avowed toleration, and offered the terms of maintaining for the King's ſervice five hundred horſe and five thouſand foot. On this propoſal, the Iriſh biſhops unanimouſly ſubſcribed a proteſtation, in which they repreſented that ſuch a tole-

frequent diſſolutions of parliaments were not for- Anno 1628.
got; and the great truſt and power which the duke of Buckingham enjoyed was mentioned as the chief cauſes of theſe miſchiefs *. To balance the ſeverities in this remonſtrance, the ſubſidy-bill at the ſame time paſſed the houſe, and was ſent up to the Lords † when the remonſtrance was preſented ‡.

The Commons having thus ſweetened this bit- Their farther debates.
ter pill of reproof with the gift of five ſubſidies, they entered into debate on the illegal power the King had aſſumed of exacting tonnage and poundage, without having received that grant from parliament. Mr. Selden proved, that though ſuch ſupplies had been given time out of mind, yet it was in the ſenſe of a free gift, and the anſwer to ſuch bills had been ever the ſame as was the anſwer to the bill of ſubſidies; viz. "The King heartily thanketh the ſubjects for their good will." The reſult of the debate was a remonſtrance to

a toleration would be ſinful, and a matter of dangerous conſequence. On this ſpirited ſeaſonable oppoſition, the court of England dropped the affair. *Remonſtrance of the Commons. Parl. Hiſt. Complete Hiſt. of England*, p. 34, *& ſeq.*

* The ſpeaker would have excuſed himſelf from preſenting this remonſtrance; but the Commons inſiſted on his performing this part of his duty.

† The Lords objected to the form of the bill of ſubſidies, the Commons having named themſelves only in the grant. After one conference on the ſubject the affair was dropped, and the bill paſſed without any alteration, Charles not being willing to part with it after it got into the upper houſe.

‡ With the bill of ſubſidies the Commons ſet up the following propoſitions to the Lords: That the new granted ſubſidies might be expended in the repairing of the navy royal, and the decayed ſea munition. Secondly, in the re-edifying of the breaches made in the forts of the kingdom, and the haven towns. Thirdly, for a ſpeedy aid and aſſiſtance to the King of Denmark. And, fourthly, they recommended that the mariners might be paid the wages which had been long due to them. *Ephemeris Parliamentaria*, p. 204, *& ſeq.*

Anno 1628. the King on this ſubject. The Commons ſhewed that the ſhortneſs of their remaining time rendered it impoſſible for them to perfect ſuch a bill this ſeſſion, being a buſineſs which required conferences with the officers of the revenue, and merchants, not only of London, but of remote parts*. They then repreſent their undoubted right of aſſent to this as to other taxes; the illegality of laying any impoſitions on the ſubject without act of parliament. They aſſure themſelves that his majeſty will obſerve his anſwer to the Petition of Right, and refrain for the future from theſe arbitrary acts.

Charles, inflamed and alarmed at proceedings which levelled an important blow at the independance of the crown, repaired in haſte to the houſe of Lords†, and ſent for the Commons, who had already engroſſed their remonſtrance, and were reading it at the time they were ſummoned to attend the King, who addreſſed both houſes in the following ſtrain:

The King's ſpeech on the remonſtrance. Parl. Hiſt. vol. VIII. p. 241, & ſeq.

"It may ſeem ſtrange, ſays he, that I come ſo ſuddenly, before I give my aſſent to the bills: I will tell you the cauſe, though I muſt avow that I owe the account of my actions to God alone. It is known to every one, that awhile ago the houſe

* The Commons, on granting theſe bills, ſettled the rates of impoſitions; but the crown frequently exceeded theſe bounds. They had been enormouſly tranſgreſſed by James, and Charles had laid on new impoſitions, which were much complained of by the merchants.

† Charles's motion on this occaſion was ſo haſty, that neither himſelf nor the peers were dreſſed in their formalities. The ſpeaker had been ſo long with him in the morning that he did not attend his office till nine o'clock. The Commons at this time met early; they uſually had finiſhed their buſineſs at the hour of twelve. *Parl. Hiſt.* vol. VIII. p. 241.

of

of Commons gave me a remonſtrance; how ac- Anno 1628.
ceptable every man may judge; and, for the merit of it, I will not call that in queſtion, for I am ſure no wiſe man can juſtify it. Now ſince, I am truly informed that another remonſtrance is preparing for me, to take away the profit of my tonnage and poundage, one of the chief maintenance of my crown, by alleging I have given away my right thereto by my anſwer to your Petition. This is ſo prejudicial to me, that I am forced to end this ſeſſion ſome hours before I meant, being not willing to receive any more remonſtrances to which I muſt give a harſh anſwer. And ſince I ſee that even the houſe of Commons begins already to make falſe conſtructions of what I granted in your Petition, leſt it be worſe interpreted in the country, I will now make a declaration concerning the true intent thereof. The profeſſion of both houſes in the hammering of this Petition was no way to trench upon my prerogative, ſaying, they had neither intention nor power to hurt it: Therefore, it muſt needs be conceived, that I have granted no new, but only confirmed the ancient, liberties of my ſubjects. Yet, to ſhew the clearneſs of my intentions, that I neither repent nor mean to recede from any thing I have promiſed you, I do here declare myſelf, that thoſe things which have been done, whereby many have had ſome cauſe to expect the liberties of the ſubject to be trenched upon, which indeed was the firſt and true ground of the Petition, ſhall not hereafter be drawn into example for your prejudice; and from time to time, on the word of a King, ye ſhall not have the like cauſe to complain: But as for tonnage and poundage, it is a thing I cannot want, and was never intended by you to aſk, nor meant by me,

I am

Anno 1628. I am ſure, to grant.—To conclude, I command you all who are here, to take notice of what I have ſpoken at this time to be the true intent and meaning of what I granted you in your Petition; but eſpecially you, my lords the judges, for to you only, under me, belongs the interpretation of the laws. For none of the houſes of parliament, either joint or ſeperate, what new doctrine ſoever may be raiſed, have any power to make or declare a law without my conſent."

As an antidote to the Bill of Rights, Charles ordered this ſpeech to be entered in the Journals of the Commons. Thoſe bills which were prepared received the royal aſſent, and the parliament was prorogued to the twentieth of October *.

Parliament prorogued.

Charles's ſpeech on the occaſion of this prorogation ſhews a want of judgment which renders it a difficult matter to determine which of the two, his head or his heart, moſt deſerves cenſure. His declaration that tonnage and poundage was excluded in the Bill of Rights, is too wretched a piece of ſophiſtry to ſuppoſe it meant for the

* Acts paſſed this ſeſſions.

1. The Petition exhibited to his majeſty by the Lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, concerning divers rights and privileges of the ſubject, with the King's aſſent thereunto in full parliament.

2. An act for further reformation of ſundry abuſes on the Lord's Day, called Sunday.

3. An act for ſuppreſſing all unlicenſed alehouſes.

4. An act to reſtrain the leading over of any to be papiſts by treet beyond ſeas.

5. An act for five entire ſubſidies granted by the clergy.

6. A declaration of the Commons againſt Dr. Manwaring.

7. An act for repeal and continuance of divers ſtatutes.

8. An act for the eſtabliſhing Sutton's hoſpital.

Several private acts. *Vide Parl. Hiſt. Statutes at Large. Rushworth.*

purpoſes

purpoſes of deceit. He was undoubtedly himſelf deluded, and paſſed this Petition without being acquainted with all its importance. When he avowed an intention to confirm the already-granted privileges of the ſubject, he little underſtood the largeneſs of their extent. The uſurpations of his predeceſſors he regarded as unqueſtionable authorities; and, in his declaration of making no additions to the liberties of the people, he fancied he reſerved to himſelf a power of treading in the footſteps of former tyrants, and exerting every act of violation which had been practiſed by the moſt fortunate and moſt powerful of the Engliſh ſovereigns. The Commons, more accurate in their judgment, had fathomed the true ſtate of the queſtion: Though the ſtatutes framed by their anceſtors to ſecure public Liberty had, through a concurrence of favorable circumſtances, been often infringed with impunity by tyrannical princes, yet they had never been cancelled; and their late confirmation on the ſubject of the apparent abuſe of power gave them a luſtre which time and neglect had in ſome meaſure darkened. The frequent declarations which Charles made that he had only confirmed the ancient Liberties of the people, by his aſſent to the Petition of Right, added to its importance, and gave it the weight of an uncontrovertible inheritance. No expreſſions could be more plain or full than the words of the Petition, or more directly contrary to what Charles had affirmed; namely, that tonnage and poundage was excluded from the ſenſe of it. The Commons plead that they could not be compelled to contribute any tax, tallage, aid, or other like charge, but by common conſent in parliament. The vaſt increaſe of trade, and the arbitrary charges impoſed on it by the late Anno 1628.

Anno 1628. and preſent King, had brought in immenſe ſums to the government. This growing fund Charles, on the opinion of his privy-council, and ſome of the moſt corrupted of his judges, thought himſelf inconteſtably poſſeſſed of: But this was in contradiction to the avowed claims of the Commons, who had early proteſted againſt theſe pretenſions; and, from undeniable precedents, proved the juſtneſs of their claims *. Such being the ſtate of the queſtion, there muſt have been a particular clauſe in the Petition, excluding tonnage and poundage, to have given rationality to Charles's peremptory affirmations.

Parl. Hiſt. vol. VIII. p. 311, &c ſeq.

Before the concluſion of this ſeſſion, the Lords had given the Commons ample ſatisfaction on the juſtice they demanded on the offender Manwaring. This criminal was ſentenced to fine and impriſonment; to make ſubmiſſion and acknowledgment of his offences at the bar of both houſes; to be ſuſpended for the term of three years from the exerciſing of the miniſtry; to be diſabled for ever to preach at court; to be diſabled for ever from having any eccleſiaſtical dignity; that his book being worthy to be burnt, his majeſty be moved to grant a proclamation to call in the printed copies, that they might be burnt in London, and in both the univerſities; and for the inhibiting the printing thereof hereafter, upon a great penalty †.

* The Commons ſhew in their remonſtrance, that a certain ſpace of intermiſſion was often obſerved in this grant, that the right of the ſubject might be more evident.

† The Lords made a kind of apology for a ſentence which they termed too mild for the offences of the criminal; the attributing to the King a participation of God's omnipotence, and an abſolute power of government, his ſcandalous aſſertions againſt parliaments, and his branding thoſe gentlemen with damnation who refuſed the loan.

Part of the charge the Commons brought againſt him was the preaching a ſecond ſermon of the ſame tendency as the

When Manwaring was firſt brought to the bar, Anno 1628.
he attempted to vindicate his writings on the ſame abſurd principles on which he had eſtabliſhed his doctrine †. On this occaſion the reverend prelate Abbot reprimanded him for the ill uſe of the favor that houſe had done him, in giving him time to recollect himſelf before he was called to anſwer. "I ſee in you, ſays he, that there are ſome men who are *miſeri, ſed non miſerendi.* I am ſorry to hear ſuch an anſwer to the accuſation of the Commons." To this the archbiſhop added, that he both miſliked and abhorred his ſermons: Touching the participation they gave the King

firſt, at his pariſh-church, after the commencement of the parliament. *Parl. Hiſt.* vol. VIII. p. 204, 210.

† Relying on a favorable interpretation from the biſhops, he deſired the ſpiritual lords might be judges of the inferences and logical deductions in his ſermons. The houſe reprimanded him for this requeſt, as an attempt to divide his judges.

On an enquiry the Lords had made touching the authorizing this publication, Montaign biſhop of London, and Laud biſhop of Bath and Wells, flung the whole blame on the King, and proteſted that the ſermon was publiſhed by his abſolute command, and not by their approbation.

During the courſe of this ſeſſion, the lord Suffolk had been accuſed by Sir John Strangeways of having averred that Mr. Selden had eraſed a record, and deſerved to be hanged for it. This the earl had the meanneſs to deny: He was confuted by ſeveral witneſſes.

The houſe of Lords paſſed a very arbitrary ſentence on one Wakeland, who had printed an erroneous liſt of the names of the nobility. He was brought to the bar of their houſe, where he produced a warrant under the hand of ſecretary Conway: This warrant was judged inſufficient for his indemnification: He was ordered to ſtand committed to the Fleet, and commanded to bring in his books to be burnt, and print no more of that nature without the approbation of the earl marſhal, *Parl. Hiſt.* vol. VIII. p. 205, 212, *& ſeq. Journals of the Commons*, vol. I. p. 883, *& ſeq. Journal of the Lords*, vol. I. p. 406.

Anno 1628. and preſent King, had brought in immenſe ſums to the government. This growing fund Charles, on the opinion of his privy-council, and ſome of the moſt corrupted of his judges, thought himſelf inconteſtably poſſeſſed of: But this was in contradiction to the avowed claims of the Commons, who had early proteſted againſt theſe pretenſions; and, from undeniable precedents, proved the juſtneſs of their claims *. Such being the ſtate of the queſtion, there muſt have been a particular clauſe in the Petition, excluding tonnage and poundage, to have given rationality to Charles's peremptory affirmations.

Parl. Hiſt. vol. VIII. p. 211, & ſeq.

Before the concluſion of this ſeſſion, the Lords had given the Commons ample ſatisfaction on the juſtice they demanded on the offender Manwaring. This criminal was ſentenced to fine and impriſonment; to make ſubmiſſion and acknowledgment of his offences at the bar of both houſes; to be ſuſpended for the term of three years from the exerciſing of the miniſtry; to be diſabled for ever to preach at court; to be diſabled for ever from having any eccleſiaſtical dignity; that his book being worthy to be burnt, his majeſty be moved to grant a proclamation to call in the printed copies, that they might be burnt in London, and in both the univerſities; and for the inhibiting the printing thereof hereafter, upon a great penalty †.

* The Commons ſhew in their remonſtrance, that a certain ſpace of intermiſſion was often obſerved in this grant, that the right of the ſubject might be more evident.

† The Lords made a kind of apology for a ſentence which they termed too mild for the offences of the criminal; the attributing to the King a participation of God's omnipotence, and an abſolute power of government, his ſcandalous aſſertions againſt parliaments, and his branding thoſe gentlemen with damnation who refuſed the loan.

Part of the charge the Commons brought againſt him was the preaching a ſecond ſermon of the ſame tendency as the

 firſt,

When Manwaring was firſt brought to the bar, Anno 1628.
he attempted to vindicate his writings on the ſame abſurd principles on which he had eſtabliſhed his doctrine †. On this occaſion the reverend prelate Abbot reprimanded him for the ill uſe of the favor that houſe had done him, in giving him time to recollect himſelf before he was called to anſwer. "I ſee in you, ſays he, that there are ſome men who are *miſeri, ſed non miſerendi.* I am ſorry to hear ſuch an anſwer to the accuſation of the Commons." To this the archbiſhop added, that he both miſliked and abhorred his ſermons: Touching the participation they gave the King

firſt, at his pariſh-church, after the commencement of the parliament. *Parl. Hiſt.* vol. VIII. p. 204, 210.

† Relying on a favorable interpretation from the biſhops, he deſired the ſpiritual lords might be judges of the inferences and logical deductions in his ſermons. The houſe reprimanded him for this requeſt, as an attempt to divide his judges.

On an enquiry the Lords had made touching the authorizing this publication, Montaign biſhop of London, and Laud biſhop of Bath and Wells, flung the whole blame on the King, and proteſted that the ſermon was publiſhed by his abſolute command, and not by their approbation.

During the courſe of this ſeſſion, the lord Suffolk had been accuſed by Sir John Strangeways of having averred that Mr. Selden had eraſed a record, and deſerved to be hanged for it. This the earl had the meanneſs to deny: He was confuted by ſeveral witneſſes.

The houſe of Lords paſſed a very arbitrary ſentence on one Wakeland, who had printed an erroneous liſt of the names of the nobility. He was brought to the bar of their houſe, where he produced a warrant under the hand of ſecretary Conway: This warrant was judged inſufficient for his indemnification: He was ordered to ſtand committed to the Fleet, and commanded to bring in his books to be burnt, and print no more of that nature without the approbation of the earl marſhal, *Parl. Hiſt.* vol. VIII. p. 205, 212, *& ſeq. Journals of the Commons*, vol. I. p. 883, *& ſeq. Journal of the Lords*, vol. I. p. 406.

with God, that it was very blasphemy; touching the other his assertion, that there is no justice but between equals, not between God and man, the parent and his children, nor between the King and his people, it was impious and false, and that he had drawn an infamy upon his country and religion. The archbishop ended this admonition with putting Manwaring in mind of the judgment inflicted by the king of Cyprus on the philosopher Anasarchis, to be brayed in a brazen mortar, as a proper judgment on all flatterers of princes.

END of the FIRST VOLUME.

FH
MVSEVM
BRITANNICVM

MVSEVM
BRITANNICVM